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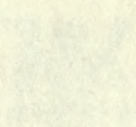
BUREAU OF ARCHIVES

PROVINCE OF ONTARIO

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THE RECORDS OF THE
PROVINCE OF ONTARIO



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TWELFTH REPORT

OF THE

Dept of

Public Records and
(BUREAU OF ARCHIVES)

FOR THE

PROVINCE OF ONTARIO

BY

ALEXANDER FRASER, M.A., LL.D., Litt. D., F.S.A. Scot. (Edin.) F.A.G.S.,
Provincial Archivist

1915



PRINTED BY ORDER OF

THE LEGISLATIVE ASSEMBLY OF ONTARIO

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1916

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To His Honour COLONEL SIR JOHN STRATHEARN HENDRIE, K.C.M.G., C.V.O., ETC.,
Lieutenant-Governor of the Province of Ontario.

MAY IT PLEASE YOUR HONOUR:

I have the pleasure to present herewith for the consideration of Your Honour
the report of the Bureau of Archives of Ontario for 1915.

Respectfully submitted,

THOMAS W. McGARRY,

Treasurer of Ontario.

Toronto, 1916.

The Honourable THOMAS W. MCGARRY, K.C., M.P.P., ETC.,

Treasurer of Ontario.

SIR,—I have the honour to submit to you the following Report in connection with the Bureau of Archives for the Province of Ontario.

I have the honour to be, Sir,

Your obedient servant,

ALEXANDER FRASER,

Provincial Archivist.

Toronto 31st December, 1915.

CONTENTS

	PAGE
Letters of Transmission	iii and iv
Prefatory	vii
Journals of Upper Canada:	
Legislative Council, 1821-22	I
" " 1823	73
" " 1823-24	185

MOTTO

"The collection of original documents, like any other collection, is a matter of slow, careful, and systematic labour. In no place is there a greater division of positive work. The accumulation of a mass of any material, say money—theorize upwards or downwards as you will—is an art of itself, requiring special capacity.

"When the effort is a collection of National Archives you have to establish what is required, what is indispensably necessary, to know where to seek for it, and to take the means to obtain it, and to be careful not to pay twice over for the same commodity. The second stage is to assort all this matter, to classify it, to place it in such a form, and to give it such reference, that on necessity immediately it can be found. The third collection is to draw up a calendar of it, describe it, and, in short, make it available to the ordinary enquirer."—KINGSFORD.

Report

OF THE

Ontario Bureau of Archives

PREFATORY

The eighth Provincial Parliament of Upper Canada held four sessions, the first sitting from the 31st of January to the 14th of April, 1821. The journals of the Legislative Assembly for this session were published in 1914, but those of the Legislative Council have not been recovered. The journals of the Legislative Council for the second, third and fourth sessions are printed herein.

Perhaps the most interesting subject from an historical point of view in this volume is the account of the commercial and financial relations then developing between Upper and Lower Canada, and Mr. John Beverley Robinson, the Attorney-General's mission to Britain in connection therewith. It will be seen that as early as 1822 a proposal for the legislative union of these provinces was seriously considered by the British Government. In view of subsequent events the opinions on this proposal expressed by Mr. Robinson, one of the ablest men of his day in Upper Canada, are of special significance.

Following is a list of the Parliaments of Upper Canada, the proceedings of which, so far as it has been possible to do so, have been published by the Ontario Archives (1909-1916):

PROVINCIAL PARLIAMENTS OF UPPER CANADA, 1792-1824

Year	From	To	Parliament	Session	Place of Meeting
1792.....	17 Sept.	15 Oct.	First	First	Newark
1793.....	31 May	9 July	"	Second	"
1794*.....	2 June	9 July	"	Third	"
1795†.....	6 July	10 Aug.	"	Fourth	"
1796†.....	16 May	3 June	"	Fifth	"
1797†.....	1 June	3 July	Second	First	York
1798.....	5 June	5 July	"	Second	"
1799.....	12 June	29 June	"	Third	"
1800.....	2 June	4 July	"	Fourth	"
1801.....	28 May	9 July	Third	First	"
1802.....	25 May	7 July	"	Second	"
1803.....	24 Jan.	5 Mar.	"	Third	"
1804.....	1 Feb.	9 Mar.	"	Fourth	"
1805.....	1 Feb.	2 Mar.	Fourth	First	"
1806.....	4 Feb.	3 Mar.	"	Second	"
1807.....	2 Feb.	10 Mar.	"	Third	"
1808.....	20 Jan.	16 Mar.	"	Fourth	"
1809†.....	2 Feb.	9 Mar.	Fifth	First	"
1810.....	1 Feb.	12 Mar.	"	Second	"
1811.....	1 Feb.	13 Mar.	"	Third	"
1812.....	3 Feb.	6 Mar.	"	Fourth	"

PROVINCIAL PARLIAMENTS OF UPPER CANADA.—Continued.

Year	From	To	Parliament	Session	Place of Meeting
1812.....	27 July	5 Aug.	Sixth	First	York
1813†.....	25 Feb.	13 Mar.	"	Second	"
1814.....	15 Feb.	14 Mar.	"	Third	"
1815†.....	1 Feb.	14 Mar.	"	Fourth	"
1816†.....	6 Feb.	1 April	"	Fifth	"
1817†.....	4 Feb.	7 April	Seventh	First	"
1818†.....	5 Feb.	1 April	"	Second	"
1818†.....	12 Oct.	7 Nov.	"	Third	"
1819.....	7 June	2 July	"	Fourth	"
1820†.....	21 Feb.	7 Mar.	"	Fifth	"
1821†.....	31 Jan.	14 April	Eighth	First	"
1821 }.....	21 Nov.	17 Jan., 1822	"	Second	"
1822 }.....	15 Jan.	19 Mar.	"	Third	"
1823 }.....	11 Nov.	19 Jan., 1824	"	Fourth	"

*Only a fragment of the Journals for the Legislative Assembly for 1794 has been recovered. These of the Legislative Council for that year are complete.

†The Journals of the Legislative Assembly and Legislative Council for 1795-7 inclusive, and for 1809, 1813, 1815 not recovered.

‡The Journals of the Legislative Council for 1816-1818 inclusive, 1820 and for the first session of 1821 not recovered.

LISTS OF OFFICIALS.

The demand frequently made for information as to the officials of the Legislature will be to some extent met by the following lists:

CLERKS OF THE EXECUTIVE COUNCIL OF UPPER CANADA.

1792-1831.....	John Small.
1831-1834.....	John Belkie (Acting).
1834-1840.....	John Belkie.

CLERKS OF THE EXECUTIVE COUNCIL OF CANADA.

1841-1842.....	G. H. Ryland.
1842-1847.....	E. Parent.
1847-1851.....	John Joseph.
1853-1867.....	William Henry Lee.

CLERKS OF THE EXECUTIVE COUNCIL OF ONTARIO.

1867.....	Robert Gladstone Dalton.
1868.....	John Shuter Smith.
1869.....	James Ross.
1870-1883.....	John Galloway Scott.
1883-1889.....	Ebenezer Forsyth Blackie Johnston.
1889-1904.....	John Robison Cartwright.
1904-1917.....	James Lonsdale Capreol.

CLERKS OF THE PRIVY COUNCIL OF CANADA.

1867-1872.....	William Henry Lee.
1872-1880.....	William Alfred Himsworth.
1880-1882.....	Joseph Olivier Coté.
1882-1907.....	John Joseph McGee.
1907-1917.....	Rodolphe Boudreau.

CLERKS OF THE LEGISLATIVE COUNCIL OF UPPER CANADA.

1792.....	Peter Clark.
1793.....	James Clark.
1793-1806.....	James Clark, Jr.
1807-1826.....	John Powell.
1827-1837.....	Grant Powell.
1838-1840.....	John Joseph.

CLERKS OF THE LEGISLATIVE COUNCIL OF CANADA.

1841-1846.....	James Fitzgibbon.
1847-1850.....	C. E. De Lery.
1850-1867.....	J. Fennings Taylor.

CLERKS OF THE SENATE OF CANADA.

1867-1871.....	John Fennings Taylor, Sr.
1871-1883.....	Robert Le Moine.
1883-1900.....	Edouard Joseph Langevin.
1901-1917.....	Samuel Edmond St. Onge Chapleau.
1917.....	A. E. Blount.

Mr. John Ross Robertson, Toronto, has kindly furnished the following list of officials, portraits of all of whom are in the John Ross Robertson Historical Collection in the Public Library, Toronto:

CLERKS, HOUSE OF ASSEMBLY, UPPER CANADA.

Angus Macdonell	1792-1800.
Donald McLean	1801-1812.
Grant Powell	1813-1827.
Col. James Fitzgibbon	1827-1840.

CLERKS, LEGISLATIVE ASSEMBLY, CANADA.

William Burns Lindsay, Sr.	1841-1862.
William Burns Lindsay, Jr.	1862-1867.

CLERKS, LEGISLATIVE ASSEMBLY, ONTARIO.

Col. Charles Tod Gillmor	1867-1891.
Col. Charles Clarke	1892-1906.
A. H. Sydere	1907-1917.

CLERKS, HOUSE OF COMMONS, CANADA.

William Burns Lindsay, Jr.	1867-1872.
Alfred Patrick	1873-1880.
Sir John Bourinot	1880-1902.
Thomas B. Flint	1902-1917.

CLERKS, HOUSE OF ASSEMBLY, LOWER CANADA.

Samuel Phillips	1792-1808.
William Robert Lindsay	1808-1829.
William Burns Lindsay, Sr.	1829-1841.

CLERKS, LEGISLATIVE ASSEMBLY, QUEBEC.

George Manly Muir	1867-1879.
Louis Delorme	1879-1892.
Lt.-Col. Louis Georges Desjardins	1892-1911.
Louis Philippe Geoffrion	1912-1917.

ALEXANDER FRASER,

Provincial Archivist.

The Journals
OF THE
LEGISLATIVE COUNCIL

OF
Upper Canada

FOR THE YEARS

1821, 1822, 1823, 1823-24

VOLUME TWO

Ontario Archives, 1915

JOURNAL AND PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL
OF THE PROVINCE OF
UPPER CANADA

From Wednesday, the 21st of November, 1821,
To Thursday, the 17th of January, 1822.

Being the Second and Third Years of the Reign of
KING GEORGE THE FOURTH.



JOURNAL AND PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL

OF THE PROVINCE OF

UPPER CANADA

1821.

York, 21st November, 1821.

The Provincial Legislature having been by Proclamation prorogued to this day, at three o'clock the House met accordingly.

Present:—The Hons. Wm. Dummer Powell, Speaker; James Baby, John McGill, Thomas Scott, William Dickson, John Strachan, Joseph Wells and Duncan Cameron.

At three o'clock p.m. His Excellency the Lieutenant Governor having come to the Legislative Council Chamber, and being seated upon the Throne, the Gentleman Usher of the Black Rod was directed to command the attendance of the Speaker and members of the Commons House of Assembly at the Bar of this House, and they being come thereto, His Excellency was pleased to address both Houses of the Provincial Parliament in the following words:—

Honorable Gentlemen of the Legislative Council, and Gentlemen of the House of Assembly:—

I regret to be under the necessity of informing you that our Commissioners for adjusting our financial interests with Lower Canada, have found it impracticable to establish a new agreement on terms which they could regard as compatible with our just claims. A suspension of the receipt has thus unavoidably occurred in that very material branch of our Revenue which accrues from our proportion of the duties collected at the Port of Quebec.

Deeply as I felt the importance of this embarrassing result, I would not overlook the public convenience of having recourse to your counsel at a period when your absence from your several districts might have materially interfered with the administration of justice; but measures were resorted to for obviating as much as possible the difficulties which in this conjunction unavoidably occurred.

I have now directed that the papers relative to the proceedings of the Commissioners shall be immediately submitted to you, and I recommend the consideration of this important subject to your earliest attention.

Gentlemen of the House of Assembly,—The Public Accounts, with estimates for the ensuing year, shall be laid before you without delay. It is satisfactory to observe that our internal revenue, small as it is, and altogether unequal to our exigencies, has not decreased during the past year, notwithstanding the general depression of trade and agriculture.

Henceforward the annual expenditure will be considerably lessened by the reductions which have been made in the Militia Pension List under your late Act; and in availing myself of the provision enabling me to borrow on debenture the

sum required to discharge the arrearages due on that head, I was grateful to find that the negotiation of the loan was immediately effected within this Province.

Honorable Gentlemen and Gentlemen:—The important matter I have already alluded to as inducing me to call you thus early together will demand your first and chief consideration; for until we are relieved from the interruption in the receipt of our principal revenue, the means of advancing public improvement must necessarily be much circumscribed.

There are doubtless other matters, however, on which your deliberations may be occupied with advantage to your fellow subjects. Looking to the situation of our Agricultural Interests, I cannot but feel desirous it might be found possible to afford some effectual encouragement to the experiment of cultivating hemp, and such other productions as would find a more constant and profitable demand in the Parent State.

You may be assured that I am always inclined to co-operate heartily with you in every measure in which my duty and judgment will allow me to concur; and I desire to impress upon you that a continuance of unanimity between the different branches of the Legislature is necessary to create confidence in our measures, and to give weight to our representations.

The Speaker and members of the Commons House of Assembly having withdrawn, His Excellency the Lieutenant Governor retired; whereupon the House formed. Prayers were read.

The Speaker informed the House that he had a copy of His Excellency the Lieutenant Governor's Speech, which he read, and it was again read (pro forma) by the Clerk at the table.

On motion made and seconded, Messrs. Baby, Dickson and Strachan were appointed a Committee to prepare an Address in answer to His Excellency's Speech.

On motion made and seconded, the House adjourned until to-morrow at two o'clock, P.M.

Monday, 22nd November, 1821.

The House met pursuant to adjournment. Present:—The Hons. Wm. D. Powell, Speaker; James Baby, John McGill, William Dickson, John Strachan, Joseph Wells, and Duncan Cameron. Prayers were read.

The Committee appointed to prepare an Address in answer to His Excellency the Lieutenant Governor's Speech, reported that they had done so; and now submitted it to the consideration of the House. Ordered that the said report be accepted, and

On motion made and seconded, the House resolved itself into a Committee of the whole to take the same into consideration.

House in Committee, Mr. Baby in the Chair. The Speaker resumed the Chair.

The Chairman reported that the Committee had gone through the address, and recommended it to the adoption of the House. Ordered that the report be accepted, and,

On motion made and seconded, the Address was ordered to be engrossed, and read a third time to-morrow.

The Hon. Messrs. Baby and Strachan were appointed a Committee to wait upon His Excellency the Lieutenant Governor, to know when he will be pleased to receive the House with their Address.

On motion made and seconded, the House adjourned until to-morrow at ten o'clock A.M.

Friday, 23rd November, 1821.

The House met pursuant to adjournment. Present:—The Hons. Wm. D. Powell, Speaker, James Baby, John McGill, Thomas Scott, William Dickson, John Strachan, Joseph Wells and Duncan Cameron. Prayers were read.

The Committee appointed to wait upon His Excellency the Lieutenant Governor, to know when he would be pleased to receive this House with the Address in answer to His Excellency's Speech, reported that they had done so, and that His Excellency had appointed this day at two o'clock, P.M. for that purpose.

Pursuant to the order of the day, the Address in answer to the Speech of His Excellency the Lieutenant Governor was read a third time, and on motion made and seconded, the House resolved itself into a Committee of the Whole to take the same into consideration.

House in Committee, Mr. Baby in the Chair. The Speaker resumed the Chair.

The Chairman reported that the Committee had taken the Address into consideration, and had made some amendments thereto, which they recommended to the adoption of the House. Ordered that the report be accepted.

And on motion made and seconded, the Address was read as amended; ordered to be engrossed and read a third time this day.

Pursuant to the order of the day the Address in answer to the Speech of His Excellency the Lieutenant Governor was read a third time; and the question if it do now pass being put it was carried in the affirmative. Whereupon the Speaker signed the same.

At half past one o'clock, the Speaker, attended by the Members and Officers of this House, proceeded to the Government House, and presented their Address in the following words:—

To His Excellency Sir Peregrine Maitland, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding His Majesty's Forces therein, &c., &c., &c., &c.

May it please Your Excellency:—We, His Majesty's most Dutiful and Loyal Subjects, the Legislative Council of Upper Canada in Provincial Parliament assembled, beg leave to offer our thanks to Your Excellency for Your Excellency's Speech to both Houses at the opening of the present Session of the Legislature.

We regret that our Commissioners for adjusting our financial interests with Lower Canada found it impossible to establish a new agreement on just and reasonable terms; and that the suspension of such a large branch of our revenue as that arising from our proportion of the duties collected at the Port of Quebec is thus occasioned.

We receive with grateful acknowledgements the fresh proof of Your Excellency's successful labours for the benefit of the Province, in providing the means for obviating the difficulties flowing from this embarrassing result until the Legislature could be assembled without public inconvenience.

Our relations with our Sister Province of Lower Canada shall command our earliest attention, as soon as the proceedings of the Commissioners are laid before us and we are not without hope that the interruption to the receipt of our principal revenue, by which the means of advancing public improvement must necessarily be much circumscribed, will be speedily removed by the reasonable interference of the Parent State.

We shall not fail to take the agricultural interests of the Province into serious consideration; and shall readily concur in such encouragements for the cultivation of hemp and other products likely to command a steady market, as our limited means may permit.

We thankfully receive Your Excellency's assurance to co-operate heartily with us in every measure in which your duty and judgment will allow you to concur, and deeply sensible of the value of unanimity between the different branches of the Legislature in creating confidence in our measures and giving weight to our representations, we shall bear it continually in mind.

(Signed) WM. DUMMER POWELL, Speaker.

Legislative Council Chamber, 23rd November, 1821.

To which His Excellency was pleased to make the following reply:—

Honorable Gentlemen of the Legislative Council,—I return you my thanks for this Address; and I receive with confidence the assurance that you will proceed without delay to the consideration of the important matters which I have recommended to your notice.

The Speaker, Members and Officers having returned to the Council Chamber; the Speaker informed the House that he had a copy of His Excellency's answer to their Address, which he read; and it was again read (*pro forma*) by the Clerk.

On motion made and seconded, the House adjourned until one o'clock P.M. on Monday next.

Monday, 26th November, 1821.

The House met pursuant to adjournment. Present:—The Hons. W. D. Powell, Speaker; James Baby, John McGill, Wm. Claus, Wm. Dickson, John Strachan, Joseph Wells, Duncan Cameron and Geo. H. Markland. Prayers were read.

Mr. Dickson gave notice that he would to-morrow bring in a Bill to repeal certain clauses in, and amend the several Acts relating to the practice of Law and Jurisprudence in this Province.

A message from His Excellency the Lieutenant Governor being announced, Major Hillier was admitted; who informed the House that he was the bearer of a message from His Excellency the Lieutenant Governor, which he delivered to the Speaker.

Major Hillier having withdrawn, the said message was read by the Speaker as follows:—

P. Maitland.

The Lieutenant Governor transmits to the Legislative Council a copy of the report made to him by the Commissioners appointed for the renewal of the Provisional Agreement between this Province and Lower Canada on the subject of duties collected at the Port of Quebec.

Government House, 24th November, 1821.

And on motion made and seconded, the report was read by the Clerk.

On motion made and seconded, ordered that the House do to-morrow resolve itself into a Committee of the Whole to take the same into consideration.

On motion made and seconded, the House adjourned until to-morrow at ten o'clock A.M.

Tuesday, 27th November, 1821.

The House met pursuant to adjournment. Present: The Hons. Wm. Dummer Powell, Speaker; James Baby, John McGill, Thomas Scott, William Claus, William Dickson, John Strachan, Angus McIntosh, Joseph Wells and George H. Markland. Prayers were read.

Pursuant to notice given yesterday, Mr. Dickson brought in a Bill to amend the practice of the Court of King's Bench in this Province.

And on motion made and seconded, the Bill was read a first time, and ordered to be read a second time on Friday next.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into consideration the Report of the Commissioners to Lower Canada. House in Committee, Mr. McGill in the Chair. The Speaker resumed the Chair.

The Chairman reported that the Committee had taken the said report into consideration, had made some progress therein, and asked leave to sit again on Thursday next. Ordered that the said report be accepted, and leave given accordingly.

On motion made and seconded, the House adjourned until Thursday, at one o'clock P.M.

Thursday, 29th November, 1821.

The House met pursuant to adjournment. Present: The Hons. W. D. Powell, Speaker; John McGill, Thos. Scott, Wm. Claus, Wm. Dickson, John Strachan, Angus McIntosh and George H. Markland. Prayers were read.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into consideration the report of the Commissioners to Lower Canada. House in Committee, Mr. McGill in the Chair. The Speaker resumed the Chair.

The Chairman reported that the Committee had taken the said report into consideration; had made some further progress therein, and requested leave to sit again. Ordered that the report be accepted and leave given accordingly.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled "An Act to continue an Act passed in the fifty-sixth year of His late Majesty's reign, intituled "An Act to make provision for certain Sheriffs in this Province," and a certain other Act of the Parliament of this Province passed in the fifty-seventh year of His late Majesty's reign, intituled an Act to further continue an Act passed in the forty-sixth year of His Majesty's reign, intituled 'An Act to make provision for certain Sheriffs in this Province, and also to extend the provisions of the said Act,' and to make further regulations respecting the said office of Sheriff."

The deputation having withdrawn, the said Bill was read a first time, and on motion made and seconded, ordered to be read a second time to-morrow.

On motion made and seconded, the House adjourned until to-morrow at two o'clock, P.M.

Friday, 30th November, 1821.

The House met pursuant to adjournment. Present: The Hons. Wm. Dummer Powell, Speaker; James Baby, John McGill, Thos. Scott, William Claus, William Dickson, John Strachan, Angus McIntosh and George H. Markland. Prayers were read.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into consideration the Bill to amend the Practice of the Court of King's Bench in this Province. House in Committee, Mr. Claus in the Chair. The Speaker resumed the Chair.

The Chairman reported that the Committee had made some progress therein, and requested leave to sit again on Tuesday next. Ordered that the report be accepted, and leave given accordingly.

Pursuant to the order of the day, the Bill intituled "An Act to continue an Act passed in the forty-sixth year of His late Majesty's reign, intituled 'An Act to make provision for certain Sheriffs in this Province,' and a certain other Act of the Parliament of this Province passed in the fifty-seventh year of His Majesty's reign, intituled 'An Act further to continue an Act passed in the forty-sixth year of His Majesty's reign, intituled, "An Act to make provision for certain Sheriffs in this Province and also to extend the provisions of the said Act,"' and to make further regulations respecting the said office of Sheriff," was read a second time.

And on motion made and seconded, the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee, Mr. Dickson in the Chair. The Speaker resumed the Chair.

The Chairman reported that the Committee had taken the said Bill into consideration; had made some progress therein, and requested leave to sit again. Ordered that the said report be accepted, and leave given accordingly.

A message from His Excellency the Lieutenant Governor being announced, Major Hillier was admitted; who informed the Speaker that he was directed by the Lieutenant Governor to deliver certain messages from His Excellency. Major Hillier having withdrawn, the messages were read as follows:

No. 1.

P. Maitland.

In transmitting to the Legislative Council the Public Accounts, and a State of the Receipt and Expenditure; together with the estimates for 1822, the Lieutenant-Governor thinks fit to call the particular attention of the House to the circumstance that a large portion of the actual expenditure sanctioned by the Legislature has been made from funds supplied on his personal responsibility, and that contemplating the doubtful receipt of revenue derived from the Port of Quebec, he may find it necessary to provide for the public service of the ensuing year in like manner; consequently that the future receipt of the arrearages from that source must be liable to deductions equal in amount to the advances that have been and may be procured in order to carry on the public service.

Government House, 24th November, 1821.

No. 2.

P. Maitland.

The Lieutenant Governor in the present state of the Provincial Finance thinks proper to lay before the Legislative Council an account of the expenditure of the

fund provided by the 56th Geo. III, Chap. 26, conceiving it will be satisfactory to the House to perceive that so much of that fund as has exceeded the annual charge for the retired allowances to the late Chief Justice and Receiver General, and the salary to the Speaker of the Legislative Council has been chiefly expended on objects which have been sanctioned by the Legislature; but which at the moment of payment the proper fund was not provided to meet.

The Lieutenant Governor, however, thinks fit to remind the House that such payments must be considered as subject to the approbation of the Lord's Commissioners of His Majesty's treasury

Government House, November 28th, 1821.

No. 3.

P. Maitland.

The Lieutenant Governor transmits to the Legislative Council a return of the debentures issued by the Receiver General, under the provisions of the Provincial Statute, 2nd Geo. IV, Chap. 5.

Government House, 29th November, 1821.

The Speaker informed the House that he had received a letter from His Excellency the Lieutenant Governor's Secretary, inclosing a despatch from His Majesty's principal Secretary of State for the Colonies, which letter and dispatch were read.

On motion made and seconded, the House adjourned until one o'clock, p.m., on Monday next.

Monday, 3rd December, 1821.

The House met pursuant to adjournment. Present: The Hons. Wm. Dummer Powell, Speaker; James Baby, John McGill, Thos. Scott, William Claus, William Dickson, John Strachan, Angus McIntosh, Joseph Wells, Duncan Cameron and George H. Markland. Prayers were read.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled "An Act to repeal the laws now in force granting poundage to the Receiver General of this Province, and to provide a salary for that Officer in lieu of such poundage." The deputation having withdrawn, the said Bill was read a first time, and on motion made and seconded, ordered to be read a second time to-morrow.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into consideration the message received from His Excellency the Lieutenant Governor on Friday last, and to prepare an Address of thanks to His Excellency for His communication. House in Committee, Mr. Strachan in the Chair. The Speaker resumed the Chair.

The Chairman reported that the Committee had taken the message into consideration, and had prepared an Address to His Excellency the Lieutenant Governor, which they submitted to the House. Ordered that the said report be accepted, and the Address, being read, was adopted, and ordered to be engrossed, and read a third time this day.

Pursuant to order, the Address to His Excellency was read a third time; and the question being put, if it do now pass, it was carried in the affirmative. Whereupon the Speaker signed the same, and Messrs. Strachan and Markland were

appointed a Committee to wait upon His Excellency the Lieutenant Governor to know when he would be pleased to receive the Address.

On motion made and seconded, the House adjourned until to-morrow, at one o'clock, p.m.

Tuesday, 4th December, 1821.

The House met pursuant to adjournment. Present: The Hons. Wm. D. Powell, Speaker; Jas. Baby, John McGill, Thos. Scott, William Claus, Wm. Dickson, John Strachan, Angus McIntosh, Joseph Wells, Duncan Cameron and George H. Markland. Prayers were read.

Pursuant to the order of the day, the Bill intituled "An Act to repeal the laws now in force granting poundage to the Receiver General of this Province, and to provide a salary for that Officer in lieu of such poundage," was read a second time.

And on motion made and seconded, the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee, Mr. McIntosh in the Chair. The Speaker resumed the Chair.

The Chairman reported that the Committee had taken the said Bill into consideration; had made some progress therein, and requested leave to sit again on Tuesday next. Ordered that the said report be accepted, and leave given accordingly.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled "An Act to repeal an Act passed in the forty-fourth year of His late Majesty's reign, intituled 'An Act for the better securing this Province against all seditious attempts to disturb the tranquility thereof.'" The deputation having withdrawn, the said Bill was read a first time.

Pursuant to the order of the day, the House resolved itself into a Committee of the whole to take into further consideration the Bill "To amend the practice of the Court of King's Bench in this Province." House in Committee, Mr. Claus in the Chair. The Speaker resumed the Chair.

The Chairman reported that the Committee had taken the said Bill into consideration; had made some progress therein, and requested leave to sit again to-morrow. Ordered that the said report be accepted; and leave given accordingly.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled "An Act to repeal part of and to amend an Act passed in the thirty-seventh year of His Late Majesty's reign, intituled 'An Act for the better regulating the Practice of the Law,' and to extend the provisions of the same. The deputation having withdrawn, the said Bill was read a first time; and, on motion made and seconded, ordered to be read a second time to-morrow.

On motion made and seconded, the House adjourned until to-morrow at 1 o'clock, p.m.

Wednesday, 5th December, 1821.

The House met pursuant to adjournment. Present: The Hons. W. D. Powell, Speaker; James Baby, John McGill, Thomas Scott, William Claus, William Dickson, John Strachan, Angus McIntosh, Joseph Wells, Duncan Cameron and George H. Markland. Prayers were read.

A deputation from the Commons House of Assembly being announced, it was admitted and brought up and delivered at the Bar of this House a message and certain resolutions which that House had passed. The deputation having withdrawn, the message and resolutions were read as follows:—

Mr. Speaker,—The Commons House of Assembly communicate to the Honorable the Legislative Council certain resolutions which they have this day passed relating to the Provincial Agent, and request a conference with that Honorable House on the subject matter thereof.

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 4th December.

Resolved, That it is the opinion of this Committee that William Halton, Esquire, has been guilty of a gross dereliction of duty in not transmitting to the Commons House of Assembly of this Province a copy of its journals destroyed by the enemy during the late war with the United States of America; and in not having informed this House of the fact that on his refusing to keep the said journals in the state which they were delivered to him, the money for copying the same was returned to him; and that he was at the same time informed that any arrangement which he chose to point out in the copy should be observed; and the whole bound and ready for his reception in a fortnight. And also for not having called for the said copy of the journals for nine months after such information, although the same was ready for delivery at the time appointed; as appears from the despatch from Earl Bathurst, bearing date the 16th day of June, 1821, and communicated to this House by message from His Excellency the Lieutenant Governor during the present session.

A true extract from the minutes.

(Signed) G. POWELL,

Clerk. Assy.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take the said message and resolutions into consideration. House in Committee. Mr. Markland in the Chair.

The Speaker resumed the Chair.

The Chairman reported that the Committee had taken the message and resolutions into consideration, and recommended that a Committee be appointed to confer with the Committee of the Commons House of Assembly. Ordered that the report be received, and Messrs. Baby and Strachan being appointed a Committee for that purpose, a message in the following words being signed by the Speaker was by the Master in Chancery carried down and delivered to the Commons House of Assembly:—

Mr. Speaker,—The Honorable the Legislative Council have agreed to a conference with the Commons House of Assembly on the subject matter of certain resolutions of that House relating to the Provincial Agent; and have appointed a Committee of two members who will be ready to meet a Committee of the Commons House of Assembly for that purpose, in the Joint Committee Room, at four o'clock this day.

Legislative Council Chamber, 5th December, 1821.

(Signed) WM. DUMMER POWELL, Speaker.

The Committee appointed to present to His Excellency the Lieutenant Governor the Address of thanks from this House, passed on Monday last, reported that they had done so.

The Address is as follows:—

To His Excellency Sir Peregrine Maitland, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding His Majesty's Forces therein, etc., etc., etc.

May it please Your Excellency,—The Legislative Council, in returning thanks for Your Excellency's message respecting public accounts, together with the estimates for 1822, beg leave to add their acknowledgments for the personal responsibility which Your Excellency under existing circumstances deemed it expedient to assume; and will gratefully concur in making provision out of any funds at the disposal of the Legislature equal in amount to the advances that have been or may be procured by Your Excellency in order to carry on the Public Service.

(Signed) W. DUMMER POWELL, Speaker.

Legislative Council Chamber, 3rd December, 1821.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into further consideration the Bill "To amend the practice of the Court of King's Bench in this Province."

House in Committee. Mr. Claus in the Chair.

The Speaker resumed the Chair.

The Chairman reported that the Committee had taken the Bill into further consideration, and recommended that a Committee of three members be appointed to inquire into the fees now allowed in the Court of King's Bench; and that the Committee be authorized to send for persons and papers.

Ordered that the said report be adopted, and Messrs. Dickson, Strachan and Markland were appointed a Committee for that purpose.

Pursuant to the order of the day, the Bill intituled "An Act to repeal part of and amend an Act passed in the thirty-seventh year of His late Majesty's reign, intituled 'An Act for better regulating the Practice of the Law,' and to extend the provisions of the same," was read a second time, and on motion made and seconded, the House resolved itself into a Committee of the Whole, to take the same into consideration.

House in Committee. Mr. Wells in the Chair.

The Speaker resumed the Chair.

The Chairman reported that the Committee had taken the said Bill into consideration; had made some progress therein, and requested leave to sit again. Ordered that the said report be accepted, and leave given accordingly.

On motion made and seconded, the House adjourned until to-morrow at three o'clock p.m.

Thursday, 6th December, 1821.

The House met pursuant to adjournment. Present: The Hons. Wm. D. Powell, Speaker; James Baby, John McGill, Thomas Scott, William Claus, William Dickson, John Strachan, Angus McIntosh, Joseph Wells, Duncan Cameron and George H. Markland. Prayers were read.

A message from His Excellency the Lieutenant Governor being announced, Major Hillier was admitted; who informed the Speaker that he was the bearer of a message from His Excellency, which he delivered.

Major Hillier having withdrawn, the message was read as follows:—

P. MATTLAND.

The Lieutenant Governor thinks it right to inform the Legislative Council that the situation of Provincial Agent has become vacant by the death of William Halton, Esquire, and that the Lieutenant Governor will not fill the vacancy unless specially applied to for that purpose by the joint Address of the two branches of the Legislature.

Government House, 6th December, 1821.

On motion made and seconded, the House resolved itself into a Committee of the Whole, to take into further consideration the Bill intituled "An Act to repeal part of and amend an Act passed in the thirty-seventh year of His late Majesty's reign intituled 'An Act for the better regulating the Practice of the Law,' and to extend the provisions of the same."

House in Committee. Mr. Wells in the Chair.

The Speaker resumed the Chair.

The Chairman reported that the Committee had made some further progress in the Bill, and requested leave to sit again. Ordered that the said report be adopted, and leave given accordingly.

On motion made and seconded, the House resolved itself into a Committee of the Whole, to take into further consideration the Bill intituled "An Act to continue an Act passed in the forty-sixth year of His late Majesty's reign, intituled 'An Act to make provision for certain Sheriffs in this Province,' and a certain other Act of the Parliament of this Province, passed in the fifty-seventh year of His late Majesty's reign, intituled 'An Act further to continue an Act passed in the forty-sixth year of His Majesty's reign, intituled "An Act to make provision for certain Sheriffs in this Province, and also to extend the provisions of the said Act,"' and to make further regulations respecting the said Office of Sheriff."

House in Committee. Mr. Dickson in the Chair.

The Speaker resumed the Chair.

The Chairman reported that the Committee had taken the said Bill into consideration; had made some further progress therein, and asked leave to sit again. Ordered that the said report be adopted, and leave given accordingly.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled "An Act to repeal part of and amend an Act passed in the fiftieth year of His Majesty's reign, intituled 'An Act to provide for the laying out, amending and keeping in repair the public highways and roads in this Province, and to repeal the laws now in force for that purpose,' and also to extend the provisions of the said Act; and also an Act passed in the fifty-ninth year of His late Majesty's reign, intituled 'An Act to repeal part of and to amend the laws now in force for laying out, amending and keeping in repair the public highways and roads in this Province.'"

The deputation having withdrawn, the said Bill was read a first time, and on motion made and seconded, ordered to be read a second time on Monday next.

On motion made and seconded, the House adjourned until to-morrow at two o'clock p.m.

Friday, 7th December, 1821.

The House met pursuant to adjournment. Present: The Hons. W. D. Powell, Speaker; James Baby, John McGill, Thos. Scott, William Claus, William Dickson, John Strachan, Angus McIntosh, Joseph Wells, Duncan Cameron and George H. Markland. Prayers were read.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into consideration the message from His Excellency the Lieutenant Governor, received yesterday, and to propose an Address of Thanks to His Excellency for his communication.

House in Committee. Mr. Markland in the Chair.

The Speaker resumed the Chair.

The Chairman reported that the Committee had taken the said message into consideration, and had prepared an Address to His Excellency, which they now submitted to the House. Ordered that the report be accepted.

On motion made and seconded, the Address was read, ordered to be engrossed, and read a third time this day.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into further consideration the Bill intituled "An Act to repeal part of and to amend an Act passed in the thirty-seventh year of His late Majesty's reign, intituled 'An Act for the better regulating the Practice of the Law,' and to extend the provisions of the same."

House in Committee. Mr. Wells in the Chair.

The Speaker resumed the Chair.

The Chairman reported that the Committee had gone through the said Bill, and recommended it to the adoption of the House. Ordered that the report be adopted, and on motion made and seconded, the Bill was ordered to be read a third time on Monday next.

On motion made and seconded, the House resolved itself into a Committee of the whole to take into further consideration the Bill intituled "An Act to continue an Act passed in the forty-sixth year of His late Majesty's reign, intituled 'An Act to make provision for certain Sheriffs in this Province,' and a certain other Act of the Parliament of this Province passed in the fifty-seventh year of His late Majesty's reign, intituled 'An Act further to continue an Act passed in the forty-sixth year of His Majesty's reign, intituled 'An Act to make provision for certain Sheriffs in this Province, and also to extend the provisions of the said Act,' and to make further regulations respecting the said office of Sheriff."

House in Committee. Mr. Dickson in the Chair.

The Speaker resumed the Chair.

The Chairman reported that the Committee had gone through the Bill, and had made some amendments thereto which they recommended to the adoption of the House.

On motion made and seconded, the amendments were read, ordered to be engrossed, and the Bill as amended read a third time on Monday next.

Pursuant to the order of the day, the Address to His Excellency the Lieutenant Governor was read a third time; and the question being put, if it do now pass it was carried in the affirmative. Whereupon the Speaker signed the same.

On motion made and seconded, Messrs. McIntosh and Markland were appointed a Committee to wait upon His Excellency the Lieutenant Governor, to know when he would be pleased to receive the Address and present the same.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up and delivered the following message and certain resolutions of that House.

Mr. Speaker,—The Commons House of Assembly have come to several resolutions, a copy of which is herewith transmitted, respecting the financial concerns of this Province with Lower Canada, with which they request the concurrence of the Honorable Legislative Council, and invite the Honorable the Legislative Council to join with this House in forming a select Committee of both Houses to consider and report upon the subject matter of the said resolutions.

Commons House of Assembly, 7th December, 1821.

(Signed) LEVIUS P. SHERWOOD.

Resolved, That upon examination of the report of the Commissioners appointed on the part of this Province to treat with those of Lower Canada respecting the establishing of such regulations as may regard the collection of duties or payment of drawbacks to be imposed or allowed on goods passing from one Province into the other by the Legislature of each Province respectively, and of and concerning any proportion of drawbacks to be received and paid of any equal duties already imposed by the said Legislature respectively on any article or commodity passing from one Province into the other, and of and concerning any regulations, provisions, matters and things which may regard the commerce, manufactures or produce of the said Province, it is the opinion of this House, considering the principles assumed and the obstacles presented by the Commissioners on the part of the Province of Lower Canada at the last meeting, that any further effort to adjust by amicable arrangement between the Commissioners the amount of arrearages which this Province claims, or to establish any agreement for the future would be certainly fruitless; and that to attempt it would only lead to further disappointment and delay, without any prospect of a beneficial result.

Resolved, That it appears clearly to this House that large arrearages on account of duties received at the British Port of Quebec, before the year 1817, are due to this Province from Lower Canada, under the express terms of Provisional Agreements, ratified by the Legislatures of both Provinces; which arrearages the Commissioners of Lower Canada peremptorily decline entering into the consideration of, alleging that the executions of agreements when concluded is properly the Province of the Executive Government.

Resolved, That it appears to this House that applications for the payment of these arrearages have been made to the Executive Government of Lower Canada by the Government of this Province, which have afforded no prospect of a final adjustment.

Resolved, That it is the opinion of this House that the means by which alone the Commissioners of Lower Canada would consent to ascertain the amount of drawbacks due to this Province upon goods imported from Lower Canada since the expiration of the last Provincial Agreement were not such as it was practicable to adopt, or as could possibly lead to a just and satisfactory result. And that the insisting upon such means after a lapse of two years, during which Upper Canada had been solely, by the omission of the necessary provisions on the part of the Lower Province, deprived of the opportunity of renewing their agreement, and during which it was known no means had been taken to ascertain the amount of the debt

thus suffered to accrue, manifested no desire to repair the inconvenience this Province had thus been compelled to sustain, or to encourage confidence in the future consideration of our Sister Province.

Resolved, That the express and decided refusal of the Commissioners of Lower Canada to enter into any agreement for any period beyond the close of next session of their Legislature, which should not have for its basis the sole collection of its revenue by both Provinces respectively, leaves only to Upper Canada the adoption of a measure which the bare inspection of the boundary by which it is separated from Lower Canada shows to be impracticable; and which by any experiment continued for many years to the manifest and great loss of Upper Canada has been proved so to the conviction of both Provinces.

Resolved, That while the whole Revenue due to this Province for its proportion of duties received at the Port of Quebec for the last two years, together with large unliquidated arrearages of another date, and detained in the Treasury of Lower Canada, and the Executive Government is embarrassed, the public creditors are delayed, all means of advancing works of general utility withheld, and it has at last become necessary to borrow on the credit of the Province a sum which the receipt of this revenue only can enable it to redeem to pay the pensions which Upper Canada has generally extended out of its limited means to those who were wounded in maintaining the cause of the Empire in a National War.

Resolved, That it is the opinion of this House that the Province having looked for two years in vain for any opportunity of attempting an amicable arrangement, and having at last thus completely failed in the attempt, has no longer any alternative but to surrender all their just claims for the past, and to continue for the future in a state of dependence on the Legislature of another Province, which was never either expedient or just, but which had been patiently borne while a spirit of accommodation sustained mutual confidence, and until the Commissioners of Lower Canada openly made that confidence a matter of reproach, or to address ourselves to our Gracious Sovereign, most humbly and earnestly entreating his Royal recommendation to His Imperial Parliament to exercise its undoubted right to control all imports and exports in and from the British Port of Quebec, and to establish such regulations respecting the commercial intercourse between the two Provinces as may comport with the just rights and interests of both.

The deputation having withdrawn, the said message and resolutions were read, and on motion made and seconded, the House resolved itself into a Committee of the Whole, to take the same into consideration.

House in Committee. Mr. Baby in the Chair.

The Speaker resumed the Chair.

The Chairman reported that the Committee recommends the House to concur in the resolutions; that a Committee be appointed to meet a Committee of the Commons House of Assembly, and that a message to that effect be sent to that House.

Ordered that the report be adopted, and Messrs. Dickson, Strachan and Markland being appointed a Committee for that purpose, a message in the following words being signed by the Speaker, was by the Master-in-Chancery carried down and delivered to the Commons House of Assembly.

Mr. Speaker: The Honorable the Legislative Council have concurred in the resolutions transmitted to them by the Commons House of Assembly this day; and have appointed a Committee of three members, who will be ready to meet a Committee of the Commons House of Assembly for the purpose of considering and re-

porting upon the subject matter of the said resolutions, in the joint Committee Room at three o'clock p.m. to-morrow.

(Signed) W. DUMMER POWELL, Speaker.

Legislative Council Chamber, 7th December, 1821.

On motion made and seconded, the House adjourned until Monday next at one o'clock p.m.

Monday, 10th December, 1821.

The House met pursuant to adjournment. Present: The Hons. W. D. Powell, Speaker; James Baby, John McGill, Thomas Scott, William Claus, Wm. Dickson, John Strachan, Angus McIntosh, Joseph Wells, Duncan Cameron and George Markland. Prayers were read.

Pursuant to the order of the day the Bill intituled "An Act to repeal part of and amend an Act passed in the fiftieth year of His late Majesty's Reign, intituled 'An Act to provide for the laying out, amending and keeping in repair the public highways and roads in this Province, and to repeal the laws now in force for that purpose, and also to extend the provisions of the said Act,' and also an Act passed in the fifty-ninth year of His late Majesty's reign, intituled 'An Act to repeal part of and amend the laws now in force for laying out, amending and keeping in repair the public highways and roads in this Province,'" was read a second time.

And on motion made and seconded, the House resolved itself into a Committee of the Whole, to take the same into consideration.

House in Committee. Mr. McGill in the Chair.

The Speaker resumed the Chair.

The Chairman reported that the Committee had taken the Bill into consideration, had made some progress therein, and requested leave to sit again. Ordered that the report be accepted, and leave given accordingly.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled "An Act to repeal an Act passed in the fifty-sixth year of His late Majesty's reign, intituled 'An Act for granting to His Majesty a sum of money towards defraying the expenses of the Civil Administration of the Government of this Province, and to grant a sum of money for the purpose therein mentioned.'"

The deputation having withdrawn, the said Bill was read a first time.

Pursuant to the order of the day, the Bill intituled "An Act to repeal part of and amend an Act passed in the thirty-seventh year of His late Majesty's reign, intituled 'An Act for the better regulating the Practice of the Law,' and to extend the provisions of the same," was read a third time, and the question being put, if it do now pass, it was carried in the affirmative; whereupon the Speaker signed the same, and it was by the Master-in-Chancery carried down and returned to the Commons House of Assembly.

On motion made and seconded, ordered that so much of the order of the day as relates to the third reading as amended of the Bill intituled "An Act to continue an Act passed in the forty-sixth year of His late Majesty's reign, intituled 'An Act to make provision for certain Sheriffs in this Province,' and a certain other Act of the Parliament of this Province, passed in the fifty-seventh year of His late Majesty's reign, intituled 'An Act to continue an Act passed in the forty-sixth year of His Majesty's reign, intituled an Act to make provision for certain Sheriffs in

this Province, and also to extend the provisions of the said Act,' and to make further regulations respecting the said Office of Sheriff," be discharged; and that the House do now resolve itself into a Committee of the same to reconsider the same.

House in Committee. Mr. Dickson in the Chair.

The Speaker resumed the Chair.

The Chairman reported that the Committee recommended to the House to request a conference with the Commons House of Assembly on the subject matter of the said Bill. Ordered that the report be accepted, and Messrs. Strachan and Markland being appointed a Committee for that purpose, a message in the following words, being signed by the Speaker, was by the Master-in-Chancery carried down and delivered to the Commons House of Assembly.

Mr. Speaker: The Honorable the Legislative Council request a conference with the Commons House of Assembly, on the subject matter of the Bill intituled "An Act to continue an Act passed in the forty-sixth year of His Majesty's reign, intituled 'An Act to make provision for certain Sheriffs in this Province,' and a certain other Act of the Parliament of this Province, passed in the fifty-seventh year of His Majesty's reign, intituled 'An Act further to continue an Act passed in the forty-sixth year of His Majesty's reign, intituled an Act to make provision for certain Sheriffs in this Province, and also to extend the provisions of the said Act,' and to make further regulations respecting the said office of Sheriff," and have appointed a Committee of two members who will be ready to meet a Committee of the Commons House of Assembly for that purpose in the Joint Committee Room, at one o'clock p.m. to-morrow.

Legislative Council Chamber, 10th December, 1821.

(Signed) WM. DUMMER POWELL, Speaker.

The Committee appointed to wait upon His Excellency the Lieutenant Governor with the Address of this House, reported that they had delivered the same as follows:

To His Excellency Sir Peregrine Maitland, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding His Majesty's Forces therein, etc., etc., etc.

May it Please Your Excellency: The Legislative Council return thanks for Your Excellency's Message communicating the vacancy of the office of Provincial Agent, by the death of William Halton, Esquire, and for the assurance that Your Excellency will not fill up the vacancy unless specially applied to for that purpose by the joint Address of both branches of the Legislature.

Legislative Council Chamber, 7th December, 1821.

(Signed) WM. DUMMER POWELL, Speaker.

Mr. Markland requested permission to lay upon the table certain petitions of the Inhabitants of the County of Middlesex and of the Town of Kingston, and leave was given accordingly.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up and delivered at the bar of this House a message in the following words:

Mr. Speaker,—The Commons House of Assembly have appointed a Committee to meet the Committee of the Honorable Legislative Council, appointed to confer upon the subject matter of the Bill intituled "An Act to continue an Act passed in

the forty-sixth year of His Majesty's reign, intituled, 'An Act to make provision for a certain other Act of the Parliament of this Province, passed in the fifty-seventh year of His late Majesty's reign, intituled "An Act further to continue an Act passed in the forty-sixth year of His Majesty's reign, intituled 'An Act to make provision for certain Sheriffs in this Province, and also to extend the provisions of the said Act,' and to make further regulations respecting the said office of Sheriff,"' at the time and place appointed.

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 10th December, 1821.

On motion made and seconded, the House adjourned until to-morrow at two o'clock p.m.

Tuesday, 11th December, 1821.

The House met pursuant to adjournment. Present: The Hons. Wm. Dummer Powell, Speaker; James Baby, John McGill, Thomas Scott, William Claus, William Dickson, John Strachan, Angus McIntosh, Joseph Wells, Duncan Cameron and George H. Markland. Prayers were read.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled "An Act to amend an Act passed in the thirty-fifth year of His late Majesty's reign, intituled 'An Act for the public registering of deeds, conveyances, wills and other incumbrances which shall be made or may affect any lands, tenements or hereditaments within this Province.

The deputation having withdrawn, the said Bill was read a first time, and on motion made and seconded, ordered to be read a second time to-morrow.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled "An Act to repeal part of and amend the laws now in force for regulating the Practice of Physic and Surgery within this Province," and a Bill intituled "An Act to amend the Revenue Laws of this Province."

The deputation having withdrawn, the said Bills were read a first time, and on motion made and seconded, the Bill intituled "An Act to repeal part of and amend the laws now in force for regulating the Practice of Physic and Surgery within this Province," was ordered to be read a second time on Monday next; and the Bill intituled "An Act to amend the Revenue laws of this Province" on Friday next.

The Committee appointed to enquire into the fees now allowed in the Court of King's Bench reported:

That Your Committee, as a preliminary step, did recur to the first Provincial Statute constituting the Court of King's Bench, passed in the thirty-fourth year of His late Majesty's reign; whereunto are annexed a table of fees for the services therein specified. It is presumed doubts and difficulties did arise in practice in the amplification or modification of fees for other services in the practice performed, and not provided for, as in the 44th Geo. III, Chap. 3, an Act passed repealing the 34th Geo. III, which last Statute was also repealed by an Act of the 50th Geo. III, Chap. 9, leaving the law as to the allowance of fees on the same footing as established by the first Act; since which the Clerk of the Crown has (it is said) as incident to his office, taxed or modified all Bills of Costs; and in having recourse

to that Officer in a communication from him we are informed that he is chiefly governed in taxation of costs between party and party by the first Act of the Provincial Parliament constituting the Court of King's Bench, and in cases where no fees are specified in that Act reference is had to the charges allowed in the Superior Courts of Westminster Hall.

To enable Your Committee to judge of the scale and uniformity of such taxed tables, at different periods, different causes, and by different officers, it was an object of Your Committee to have caused to be laid before them Bills of Costs taxed in the respective years from 1796 to the present period, but the time, as informed, that would elapse before such could be completed appeared too distant to authorize the Committee to wait for such information.

Other sources of information have been before Your Committee which warrant in believing that a forbearance of the present practice would be more advisable than in continuing that on which Your Committee has found so many discordant results as well as opinions. All of which is submitted.

The Committee of Conference from the Honorable the Legislative Council communicated to the Committee of the House of Assembly appointed to confer with them on the subject of a Bill sent up from the House of Assembly, intituled "An Act to continue an Act passed in the forty-sixth year of His late Majesty's reign, intituled 'An Act to make provision for certain Sheriffs in this Province,' and a certain other Act of the Parliament of this Province, passed in the fifty-seventh year of His late Majesty's reign, intituled 'An Act further to continue an Act passed in the forty-sixth year of His Majesty's reign, intituled 'An Act to make provision for certain Sheriffs in this Province,' and also to extend the provisions of the said Act,' and to make further regulations respecting the said office of Sheriff."

That their House were desirous of introducing an amendment to the third clause of the Bill by expunging after the word "months" the remainder of the clause, and inserting the words, "It shall, upon being certified to the Governor, Lieutenant Governor or person administering the Government by the next ensuing Court of Quarter Sessions be deemed a forfeiture of his office"; but wished first to ascertain whether such amendment would be received.

To which the Conferees on the part of the House of Assembly replied that they could not express an opinion upon the question proposed by the Conferees of the Legislative Council.

Pursuant to the order of the day, the Committee resolved itself into a Committee of the Whole, to take into further consideration the Bill intituled "An Act to repeal the laws now in force granting poundage to the Receiver General of this Province, and to provide a salary for that officer in lieu of such poundage."

House in Committee. Mr. McIntosh in the Chair.

The Speaker resumed the Chair.

The Chairman reported that the Committee had made some further progress, and requested leave to sit again on Friday next. Ordered that the report be accepted; and leave given accordingly.

On motion made and seconded, the House adjourned until to-morrow at 3 o'clock p.m.

Wednesday, 12th December, 1821.

The House met pursuant to adjournment. Present: The Hons. Wm. Dummer Powell, Speaker; James Baby, John McGill, Thos. Scott, William Claus, William Dickson, John Strachan, Angus McIntosh, Joseph Wells, Duncan Cameron and George H. Markland. Prayers were read.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled "An Act to repeal an Act passed in the fifty-sixth year of His Majesty's reign, intituled 'An Act for granting to His Majesty a sum of money to provide for the appointment of a Provincial Agent for this Province,'" and a Bill intituled "An Act to establish a market in the Town of Perth, in the County of Carleton."

The deputation having withdrawn, the said Bills were read a first time; and on motion made and seconded, the Bill intituled "An Act to repeal an Act passed in the fifty-sixth year of His late Majesty's reign, intituled 'An Act for granting to His Majesty a sum of money to provide for the appointment of a Provincial Agent for this Province,'" was ordered to be read a second time on Monday next; and the Bill intituled "An Act to establish a market in the Town of Perth, in the County of Carleton," on Tuesday next.

Pursuant to the order of the day, the Bill intituled "An Act to amend an Act passed in the thirty-fifth year of His late Majesty's reign, intituled 'An Act for the public registering of deeds, conveyances, wills and other incumbrances which shall be made or may affect any lands, tenements or hereditaments within this Province,'" was read a second time, and on motion made and seconded, the House resolved itself into a Committee of the whole to take the same into consideration.

House in Committee. Mr. Cameron in the Chair.

The Speaker resumed the Chair.

The Chairman reported that the Committee had taken the said Bill into consideration; had made some progress therein, and requested leave to sit again on Friday next. Ordered that the said report be accepted, and leave given accordingly.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into further consideration the Bill "To amend the practice of the Court of King's Bench in this Province."

The House in Committee; Mr. Claus in the Chair.

The Speaker resumed the Chair.

The Chairman reported that the Committee had made some further progress in the said Bill, and requested leave to sit again to-morrow. Ordered that the said report be accepted, and leave given accordingly.

On motion made and seconded, the House adjourned until to-morrow at 1 o'clock p.m.

Thursday, 13th December, 1821.

The House met pursuant to adjournment. Present: The Hons. Wm. Dummer Powell, Speaker; John McGill, Thomas Scott, William Claus, William Dickson, John Strachan, Angus McIntosh, Joseph Wells, Duncan Cameron and G. H. Markland. Prayers were read.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into consideration the Bill "To Amend the Practice of the Court of King's Bench in this Province."

House in Committee. Mr. Claus in the Chair.

The Speaker resumed the Chair.

The Chairman reported that the Committee had gone through the said Bill, and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded, that the Bill be engrossed, and read a third time on Saturday next.

On motion made and seconded, the House resolved itself into a Committee of the Whole, to take into further consideration the Bill intituled "An Act to repeal part of and amend an Act passed in the fiftieth year of His late Majesty's reign, intituled 'An Act to provide for the laying out, amending and keeping in repair the public highways and roads in this Province, and to repeal the laws now in force for that purpose,' and also to extend the provisions of the said Act; and also an Act passed in the fifty-ninth year of His late Majesty's reign, intituled 'An Act to repeal part of and amend the laws now in force for laying out, amending and keeping in repair the public highways and roads in this Province.'"

House in Committee, Mr. McGill in the Chair.

The Speaker resumed the Chair.

The Chairman reported that the Committee had gone through the said Bill, and had made some amendments thereto, which they recommended to the adoption of the House.

Ordered, that the report be accepted, and, on motion made and seconded, the amendments were read, ordered to be engrossed, and the Bill as amended read a third time to-morrow.

On motion made and seconded the bill intituled "An Act to repeal an Act passed in the fifty-sixth year of His late Majesty's reign, intituled 'An Act for granting to His Majesty a sum of money towards defraying the expenses of the Civil Administration of the Government of this Province,' and to grant a sum of money for the purposes therein mentioned," was read a second time; and the question being put, if the House do now resolve itself into a Committee of the Whole to take the same into consideration, it was carried in the negative.

It was moved and seconded that the Contents and Non-Contents be taken.

Contents: The Hons. Wm. Dickson, Angus McIntosh, John McGill, William Claus.

Non-Contents: John Strachan, Joseph Wells, Duncan Cameron and George H. Markland.

It was moved and seconded that the Bill intituled "An Act to repeal an Act passed in the forty-fourth year of His late Majesty's reign, intituled 'An Act for the better securing this Province against all seditious attempts or designs to disturb the tranquility thereof,'" be read a second time; and the question being put, it was carried in the negative.

On motion made and seconded, the House adjourned until to-morrow at one o'clock p.m.

Friday, 14th December, 1821.

The House met pursuant to adjournment. Present: The Hons. Wm. Dummer, Powell (Speaker), James Baby, John McGill, Thos. Scott, Wm. Claus, Wm. Dickson, John Strachan, Angus McIntosh, Joseph Wells, Duncan Cameron and George H. Markland. Prayers were read.

Pursuant to the order of the day, the Bill intituled "An Act to amend the Revenue Laws of this Province" was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration.

House in Committee, Mr. Claus in the Chair.

The Speaker resumed the Chair.

The Chairman reported that the Committee had made some progress in the said Bill, and requested leave to sit again.

Ordered, that the report be accepted and leave given accordingly.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House the Bill intituled "An Act for the Relief of Religious Societies."

The deputation having withdrawn, the Bill was read a first time.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into further consideration the Bill intituled "An Act to repeal the laws now in force granting poundage to the Receiver General of this Province, and to provide a salary for that officer in lieu of such poundage."

House in Committee, Mr. McIntosh in the Chair.

The Speaker resumed the Chair.

The Chairman reported that the Committee had taken the Bill into further consideration, and requested leave to sit again.

It was moved and seconded that the report be accepted, and the question being put it was carried in the negative.

On motion made and seconded, the Bill was re-committed.

House in Committee, Mr. McIntosh in the Chair.

The Speaker resumed the Chair.

The Chairman reported that the Committee had taken the Bill into further consideration, had made some further progress therein, and requested leave to sit again this day three months.

And the question being put, if the report be accepted, it was carried in the negative.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled "An Act to make good certain monies issued and advanced by His Excellency the Lieutenant Governor in pursuance of an Address of the House of Assembly." And a Bill intituled "An Act for assigning limits to the respective gaols within this Province."

The deputation withdrew.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled "An Act to remunerate the Commissioners appointed to treat on behalf of this Province with the Commissioners of Lower Canada on the subject of our commercial relations with that Province."

The deputation having withdrawn, the said Bill was read a first time, and on motion made and seconded, ordered to be read a second time to-morrow.

The Bill intituled "An Act to make good certain moneys issued and advanced by His Excellency the Lieutenant Governor, in pursuance of an Address of the House of Assembly," and the Bill intituled "An Act for assigning limits to the respective Gaols within this Province," were read a first time, and on motion made and seconded ordered to be read a second time on Monday next.

On motion made and seconded, ordered that so much as remains of the order of the day be discharged, and be of the order of the day on Monday next.

On motion made and seconded, the House adjourned until to-morrow at 11 o'clock a.m.

Saturday, 15th December, 1821.

The House met pursuant to adjournment. Present: The Hons. Wm. Dummer Powell, Speaker; James Baby, John McGill, Thomas Scott, William Claus.

John Strachan, Angus McIntosh, Duncan Cameron, and George H. Markland. Prayers were read.

Pursuant to the order of the day, the Bill "To amend the Practice of the Court of King's Bench in this Province" was read the third time. On motion made and seconded, the Bill was recommitted. House in Committee, Mr. Markland in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some amendments thereto, which they recommended to the adoption of the House. Ordered that the report be accepted; and the Bill as amended being read,

On motion made and seconded, it was ordered that the title of the Bill be "An Act to repeal part of and amend the laws now in force respecting the practice of His Majesty's Court of King's Bench in this Province;" and the question if it do now pass being put, it was carried in the affirmative, whereupon the Speaker signed the same.

On motion made and seconded, ordered that so much of the order of the day as remains be discharged, and be of the order of the day for Monday next.

On motion made and seconded, the House adjourned until Monday next at 12 o'clock.

Monday, 17th December, 1821.

The House met pursuant to adjournment. Present: The Hons. W. D. Powell, Speaker; John McGill, Thomas Scott, Wm. Claus, Wm. Dickson, John Strachan, Angus McIntosh, Joseph Wells, Duncan Cameron and George H. Markland. Prayers were read.

The Bill intituled "An Act to repeal part of and amend the laws now in force respecting the practice of His Majesty's Court of King's Bench in this Province," was by the Master-in-Chancery carried down to the Commons House of Assembly.

Pursuant to the order of the day, the Bill intituled "An Act to repeal part of and amend the laws now in force for regulating the practice of Physic and Surgery within this Province" was read a second time; and on motion made and seconded, the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee, Mr. McIntosh in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Bill into consideration, had made some progress therein, and requested leave to sit again. Ordered that the report be accepted, and leave given accordingly.

Pursuant to the order of the day, the Bill intituled "An Act to repeal an Act passed in the fifty-sixth year of His Majesty's Reign, intituled 'An Act for granting to His Majesty a sum of money to provide for the appointment of a Provincial Agent of this Province,'" was read a second time; and on motion made and seconded, the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee, Mr. Dickson in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill, and recommended it to the adoption of the House. Ordered that the report be accepted.

On motion made and seconded, ordered that the Bill be read a third time to-morrow.

Pursuant to the order of the day, the Bill intituled "An Act to remunerate the Commissioners appointed to treat on behalf of this Province with the Commissioners of Lower Canada, on the subject of our commercial relations with that Province," was read a second time; and on motion made and seconded, the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee, Mr. Strachan in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill, and recommended it to the adoption of the House. Ordered that the report be accepted.

On motion made and seconded, ordered that the Bill be read a third time to-morrow.

Pursuant to the order of the day, the Bill intituled "An Act to make good certain moneys issued and advanced by His Excellency the Lieutenant Governor in pursuance of an Address of the House of Assembly" was read a second time; and on motion made and seconded, the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee, Mr. Cameron in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill, and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded, ordered that the Bill be read a third time to-morrow.

Pursuant to the order of the day, the Bill intituled "An Act for assigning limits to the respective gaols within this Province," was read a second time, and the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee, Mr. Wells in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said Bill into consideration; had made some progress therein, and requested leave to sit again. Ordered that the report be accepted, and leave given accordingly.

Mr. Dickson brought in a Bill "To amend the practice of the several District Courts within this Province." On motion made and seconded, the said Bill was ordered to be read a first time to-morrow.

Mr. Dickson also brought in a Bill "To restrain swine running at large in the respective Towns in this Province where a police is established by law."

On motion made and seconded the said Bill was ordered to be read a first time to-morrow.

On motion made and seconded, the Bill intituled "An Act for the Relief of Religious Societies" was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. The House in Committee, Mr. McGill in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said Bill into consideration; had made some progress therein, and requested leave to sit again this day three months. Ordered that the said report be accepted, and leave given accordingly.

On motion made and seconded, the House adjourned until to-morrow at 12 o'clock.

Tuesday, 18th December, 1821.

The House met pursuant to adjournment. Present: The Hons. Wm. Dummer Powell, Speaker, James Baby, John McGill, Thos. Scott, William Claus, William Dickson, John Strachan, Angus McIntosh, Joseph Wells, Duncan Cameron and George H. Markland. Prayers were read.

Pursuant to the order of the day, the Bill intituled "An Act to establish a market in the Town of Perth, in the County of Carleton," was read a second time, and on motion made and seconded, the House resolved itself into a Committee of the Whole to take the same into consideration. The House in Committee, Mr. Markland in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again. Ordered that the said report be accepted and leave given accordingly.

Pursuant to the order of the day, the Bill intituled "An Act to repeal an Act passed in the fifty-sixth year of His late Majesty's Reign, intituled 'An Act for granting to His Majesty a sum of money to provide for a Provincial Agent for this Province,'" was read a third time, and the question if it do now pass being put, it was carried in the affirmative, whereupon the Speaker signed the same.

Pursuant to the order of the day, the Bill intituled "An Act to make good certain moneys issued and advanced by His Excellency the Lieutenant Governor in pursuance of an Address of the House of Assembly," was read a third time, and the question if it do now pass being put, it was carried in the affirmative. Whereupon the Speaker signed the same.

Pursuant to the order of the day, the Bill intituled "An Act to remunerate the Commissioners appointed to treat on behalf of this Province with the Commissioners of Lower Canada on the subject of our commercial relations with that Province," was read a third time, and the question if it do now pass being put, it was carried in the affirmative. Whereupon the Speaker signed the same, and the said Bills were by the Master-in-Chancery carried down and returned to the Commons House of Assembly.

Pursuant to the order of the day, the Bill intituled "An Act to amend the practice of the several District Courts within this Province," was read a first time, and on motion made and seconded, ordered to be read a second time to-morrow.

Pursuant to the order of the day, the Bill intituled "An Act to restrain swine running at large in this Province where a Police is established by law," was read a first time; and on motion made and seconded, ordered to be read a second time to-morrow.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled "An Act to repeal part of and amend the laws now in force relative to the registering of Deeds and other Instruments of Conveyance in this Province." The deputation having withdrawn, the said Bill was read a first time.

A message from His Excellency the Lieutenant Governor being announced, Major Hillier was admitted, and delivered a message from His Excellency. Major Hillier having withdrawn, the message and accompanying memorial was read as follows:—

P. MAITLAND.

The Lieutenant Governor in transmitting to the Honorable the Legislative Council the Memorial of the Adjutant General of the Militia, thinks fit to remark that upon a strong representation by that Officer that the existing establishment of his office was entirely inadequate to the discharge of duties which had accumu-

lated from a variety of causes, it had been found necessary to allow some addition to the contingencies.

The Lieutenant Governor has, however, repeated his injunction that these shall be restrained within the most moderate bounds.

Although the Lieutenant Governor is not insensible to the difficulties under which the Provincial Revenue now labors, he cannot but observe how little commensurate is the provision for the Adjutant General since the expiration of the last Statute, either to the personal support of that Officer or the respectability of the situation; and he therefore recommends that the House should take into consideration the expediency of renewing the Act which has been suffered to expire.

Government House,
18th December, 1821.

To His Excellency Sir Peregrine Maitland, K.C.B., Lieutenant Governor of the Province of Upper Canada, and Major General Commanding His Majesty's Forces therein, etc., etc., etc.

The Memorial of Colonel N. Coffin, Adjutant General of the Militia in the Province of Upper Canada,

Most Humbly Sheweth: That Your Excellency's Memorialist was appointed Adjutant General of the Militia, and filled that office with a salary of three hundred and sixty-five pounds until the 21st March, 1820, when an Act granting a part of that salary expired, and Your Memorialist, under a great accumulation of duty from the rapid growth of the Province and augmentation of its Militia, together with other duties never before required of his department, has received only a salary of one hundred and eighty pounds sterling; not equal to the salary of clerks in other departments, or Officers in this Province.

Under such circumstances Your Memorialist humbly prays that he may receive from the said 21st March, 1820, such a permanent salary as the wisdom and justice of Your Excellency may deem consistent for the respectable maintenance of a person discharging the duties of an office of such high trust and responsibility.

(Signed) N. COFFIN.

York, December 10th, 1821.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take the message into consideration. The House in Committee, Mr. Baby in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said message into consideration, and recommended that an Address be presented to His Excellency the Lieutenant Governor thanking him for his communication. Ordered that the report be accepted, and Messrs. Baby, Dickson, and Strachan were appointed a Committee to prepare the Address.

The Committee appointed to prepare the Address to His Excellency the Lieutenant Governor reported that they had done so. Ordered that the report be accepted, and the Address being read was ordered to be engrossed and read again to-morrow.

On motion made and seconded, the House adjourned until to-morrow at one o'clock p.m.

Wednesday, 19th December, 1821.

The House met pursuant to adjournment. Present: The Hons. Wm. Dummer Powell, Speaker; James Baby, John McGill, Thos. Scott, William Claus, William Dickson, John Strachan, Angus McIntosh, Joseph Wells and George H. Markland. Prayers were read.

Pursuant to the order of the day, the Bill intituled "An Act to amend the practice of the several District Courts within this Province," was read a second time, and on motion made and seconded, the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee, Mr. Markland in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill, and had made some amendments thereto, which they recommended to the adoption of the House. Ordered that the said report be accepted.

On motion made and seconded the amendments were read, and the Bill as amended ordered to be read a third time to-morrow.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled "An Act to enable persons entitled to claim lands in this Province under titles or assignments derived from the heirs, devisees or assignees of the original nominees of the Crown to obtain patents for such lands." The deputation having withdrawn, the Bill was read a first time, and on motion made and seconded ordered to be read a second time to-morrow.

Pursuant to the order of the day, the Bill "To restrain swine running at large in the respective Towns in this Province where a Police is established by law" was read a second time, and on motion made and seconded, the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee, Mr. Claus in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill, and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded, the Bill was ordered to be engrossed and read a third time to-morrow.

Pursuant to the order of the day, the Address to His Excellency the Lieutenant Governor was read a second time, and on motion made and seconded, the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee, Mr. Baby in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Address into consideration; had made some amendments thereto, which they recommended to the adoption of the House. Ordered that the report be accepted; and on motion made and seconded the Address as amended was ordered to be engrossed, and read again to-morrow.

On motion made and seconded, the Bill intituled "An Act to repeal part of and amend an Act passed in the fiftieth year of His late Majesty's Reign, intituled 'An Act to provide for the laying out, amending and keeping in repair the public highways and roads in this Province, and to repeal the laws now in force for that purpose,' and also to extend the provisions of the said Act; and also an Act passed in the fifty-ninth year of His late Majesty's reign, intituled, 'An Act to repeal part of and amend the laws now in force for the laying out, amending and keeping in repair the public highways and roads in this Province,'" was re-committed. House in Committee, Mr. McGill in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some amendments to the Bill, which they recommended to the adoption of the House. Ordered that the report be accepted and on motion made and seconded, the amendments were read, ordered to be engrossed, and the Bill as amended read a third time to-morrow.

On motion made and seconded, ordered that the Bill intituled "An Act to repeal the laws now in force granting poundage to the Receiver General of this Province, and to provide a salary for that Officer in lieu of such poundage," be read a third time to-morrow.

On motion made and seconded, ordered that House do to-morrow resolve itself into a Committee of the Whole to take into further consideration the Bill intituled "An Act for assigning limits to the respective gaols within this Province."

On motion made and seconded, ordered that the House do to-morrow resolve itself into a Committee of the Whole to take into further consideration the Bill intituled "An Act to amend an Act passed in the thirty-fifth year of His late Majesty's Reign, intituled 'An Act for the public registering of deeds, conveyances, wills and other instruments which shall be made or may affect any lands, tenements or hereditaments within this Province.'"

On motion made and seconded, ordered that the Bill intituled "An Act to repeal part of and amend the laws now in force relative to the registering of deeds and other instruments of conveyance in this Province," be read a second time to-morrow.

On motion made and seconded, the House adjourned until to-morrow at 12 o'clock.

Thursday, 20th December, 1821.

The House met pursuant to adjournment. Present: The Hons. Wm. D. Powell, Speaker; James Baby, John McGill, Thomas Scott, William Claus, William Dickson, John Strachan, Angus McIntosh, Joseph Wells, Duncan Cameron and George H. Markland. Prayers were read.

Pursuant to the order of the day the Bill "To amend the practice of the several District Courts within this Province," was read a third time; and on motion made and seconded, it was ordered that the Bill be intituled "An Act to extend the powers of the District Courts in this Province," and the question being put if the said Bill do now pass it was carried in the affirmative, whereupon the Speaker signed the same.

Pursuant to the order of the day the Bill "To restrain swine running at large in the respective towns in this Province where a Police is established by law," was read a third time, and on motion made and seconded it was ordered that the Bill be intituled "An Act to repeal in part a certain part of an Act passed in the forty-third year of His late Majesty's Reign, intituled 'An Act to extend the provisions of an Act passed in the thirty-fourth year of His Majesty's Reign, intituled 'An Act to restrain the custom of permitting horned cattle, horses, sheep and swine to run at large,' and further to enable the Magistrates in their respective Districts in this Province, in General Quarter Sessions assembled, to make such rules and regulations as may restrain swine running at large in the respective towns in this Province where a Police is or may hereafter be established by law." And the question being put, if the said Bill do now pass it was carried in the affirmative, whereupon the Speaker signed the same.

Pursuant to the order of the day, the Address to His Excellency the Lieutenant Governor was read a third time, and the question if it do now pass being put, it was carried in the affirmative; whereupon the Speaker signed the same.

On motion made and seconded, Messrs. Claus and Cameron were appointed a Committee to wait upon His Excellency, to know when he would be pleased to receive the Address; and to present the same.

Pursuant to the order of the day, the Bill intituled "An Act to repeal part of and amend an Act passed in the fiftieth year of His late Majesty's Reign, intituled 'An Act to provide for the laying out, amending, and keeping in repair the Public Highways and Roads within this Province, and to repeal the laws now in force for that purpose,'" and also to extend the provisions of the said Act, and also an Act passed in the fifty-ninth year of His Majesty's reign, intituled 'An Act to repeal part of and to amend the laws now in force for laying out, amending and keeping in repair the public highways and roads within this Province,'" was read a third time as amended; and the question if it do now pass being put it was carried in the affirmative; whereupon the Speaker signed the same.

Pursuant to the order of the day, the Bill intituled "An Act to repeal the laws now in force granting poundage to the Receiver General of this Province, and to provide a salary for that officer in lieu of such poundage," was read a third time; and the question if it do now pass being put it was carried in the affirmative: whereupon the Speaker signed the same; and the said Bills were by the Master-in-Chancery carried down to the House of Assembly.

Pursuant to the order of the day, the Bill intituled "An Act for assigning limits to the respective gaols within this Province," was recommitted. House in Committee, Mr. Markland in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Bill into further consideration, and had made some amendments thereto; which they recommended to the adoption of the House. Ordered that the report be accepted.

On motion made and seconded, the Bill as amended was read, the amendments ordered to be engrossed, and the Bill as amended read a third time to-morrow.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole, to take into further consideration the Bill intituled "An Act to amend an Act passed in the thirty-fifth year of His late Majesty's Reign, intituled 'An Act for the public registering of deeds, conveyances, wills and other encumbrances which shall be made or may affect any lands, tenements or hereditaments within this Province,'" House in Committee, Mr. Cameron in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some amendments to the Bill, which they recommended to the adoption of the House. Ordered that the report be accepted.

On motion made and seconded, the amendments were read, ordered to be engrossed, and the Bill as amended read a third time to-morrow.

Pursuant to the order of the day, the Bill intituled "An Act to repeal part of and to amend the laws now in force relative to the registering of deeds and other instruments of conveyance in this Province," was read a second time, and on motion made and seconded, the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee, Mr. Wells in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Bill into consideration; had made some progress therein, and requested leave to sit again this day three months. Ordered that the report be accepted, and leave given accordingly.

Pursuant to the order of the day, the Bill intituled "An Act to enable persons entitled to claim lands in this Province under titles or assignments derived from the heirs, devisees or assignees of the original nominees of the Crown, to obtain patents for such lands," was read a second time, and on motion made and seconded, the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee, Mr. Claus in the Chair. The Speaker resumed the Chair.

The Chairman reported that the Committee had taken the Bill into consideration; had made some progress and requested leave to sit again. Ordered that the report be accepted, and leave given accordingly.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into consideration the Bill intituled "An Act to establish a market in the Town of Perth, in the County of Carleton." House in Committee, Mr. Markland in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said Bill into consideration, and recommended it to the adoption of the House. Ordered that the report be accepted.

And on motion made and seconded, the Bill was ordered to be read a third time to-morrow.

On motion made and seconded, the House adjourned until to-morrow at one o'clock p.m.

Friday, 21st December, 1821.

The House met pursuant to adjournment. Present: The Hons. W. D. Powell, Speaker; James Baby, Thos. Scott, Wm. Claus, Wm. Dickson, John Strachan, Angus McIntosh, Jos. Wells, Duncan Cameron and Geo. H. Markland,

Prayers were read.

On motion made and seconded, ordered that the order of the day be discharged which relates to the third reading of the Bill intituled "An Act to amend an Act passed in the thirty-fifth year of His late Majesty's reign, intituled, 'An Act for the public registering of deeds, conveyances, wills and other incumbrances which shall be made or may affect any lands, tenements or hereditaments within this Province,' " and that the Bill be read a third time on the next sitting day.

Pursuant to the order of the day, the Bill intituled "An Act to establish a market in the Town of Perth, in the County of Carleton," was read a third time, and the question if it do now pass being put it was carried in the affirmative; whereupon the Speaker signed the same.

On motion, made and seconded, ordered that the Bill intituled "An Act for assigning limits to the respective gaols within this Province," be recommitted.

House in Committee, Mr. Markland in the Chair. The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Bill into consideration; had made some further progress therein, and asked leave to sit again. Ordered that the report be accepted, and leave given accordingly.

The Committee appointed to present the Address of this House to His Excellency the Lieutenant Governor reported that they had done so.

To His Excellency Sir Peregrine Maitland, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding His Majesty's forces therein, etc., etc., etc.

May it Please Your Excellency: The Legislative Council return their most humble thanks for Your Excellency's message respecting the Adjutant General of Militia, and aware of the inadequacy of the present remuneration given to that officer, and of the increased duties which he has to perform, will not fail to take into consideration the expediency of renewing the Act which has been suffered to expire.

The Legislative Council duly appreciates Your Excellency's repeated injunctions that the necessary addition to the contingencies of the Adjutant General's office be restrained within the most moderate bounds.

(Signed) WM. DUMMER POWELL, Speaker.

Legislative Council, 20th December, 1821.

On motion, made and seconded, the House adjourned until to-morrow at twelve o'clock.

Saturday, 22nd December, 1821.

The House met pursuant to adjournment.

Present: The Hons. Wm. D. Powell (Speaker); James Baby, John McGill, Thomas Scott, William Dickson, John Strachan, Angus McIntosh, Joseph Wells, Duncan Cameron, and George H. Markland. Prayers were read.

A message from His Excellency the Lieutenant Governor being announced, Major Hillier was admitted, and delivered a message from His Excellency.

Major Hillier having withdrawn, the message was read as follows:—

P. MAITLAND.

The Lieutenant Governor transmits to the Honorable the Legislative Council the copy of a report which has been submitted to him by the Commissioners for erecting a monument to the memory of the late Sir Isaac Brock.

Being anxious that the work should do justice to the public sense of the highly eminent services which it is intended to commemorate, and at the same time aware of the limited and embarrassed state of the public finance, the Lieutenant Governor thinks it right under the peculiar circumstances of the occasion to suggest for the consideration of the Legislative Council how far it may be proper to remove any obstacle to the augmentation of the fund at the disposal of the Commissioners by sanctioning the adoption of the measure adverted to in the report. Should a proceeding to this effect be thought advisable by the Legislature, the Lieutenant Governor will have great pleasure in giving it his most cordial concurrence and support.

Government House, 22nd December, 1821.

The Committee appointed to confer with the Committee of the Commons House of Assembly on the joint resolutions of both Houses respecting the financial concerns of this Province with Lower Canada, informed the House that they had done so, and now submitted the report of their proceedings for its consideration. On motion, made and seconded, the report was ordered to be read on the next sitting day.

On motion, made and seconded, the House adjourned until Thursday next, at twelve o'clock.

Thursday, 27th December, 1821.

The House met pursuant to adjournment.

Present: The Hons. Wm. D. Powell (Speaker); James Baby, John McGill, Thos. Scott, William Dickson, John Strachan, Joseph Wells, and George H. Markland. Prayers were read.

On motion, made and seconded, ordered that the order of the day be dispensed with, and the report of the Committee of Conference on the financial relations of this Province with Lower Canada be now read. Which being done, on motion made and seconded, the House resolved itself into a Committee of the whole to take the same into consideration.

House in Committee, Mr. Strachan in the Chair. The Speaker resumed the Chair. The Chairman reported that the Committee had taken the report of the Committee of Conference and Address to the King into consideration, and recommended them to be adopted by the House, and that a renewal of the conference be requested with the Commons House of Assembly on the several Addresses recommended by the joint Committee. Ordered that the report be accepted.

A message in the following words, being signed by the Speaker, was by the Master-in-Chancery, with the Bill intituled "An Act to establish a market in the Town of Perth, in the County of Carleton," carried down to the Commons House of Assembly:—

Mr. Speaker: The Honorable the Legislative Council request a renewal of the conference with the Commons House of Assembly on the subject of the several addresses recommended in the report of the Joint Committee on the Financial Relations of this Province with Lower Canada.

The Committee of the Legislative Council are now ready to meet the Committee of the Commons House of Assembly in the Joint Committee Room.

(Signed) WM. DUMMER POWELL, Speaker.

Legislative Council Chamber, 27th December, 1821.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled "An Act for the relief of John White,"

The deputation having withdrawn, the Bill was read a first time.

A deputation from the Commons House of Assembly being announced, it was admitted and brought up for the concurrence of this House a Bill intituled "An Act to appoint Trustees to the estate of William Weeks, late of York, Esquire, deceased, to carry into effect the provisions thereof," and a Bill intituled "An Act to authorize the Magistrates of the Home District in General Quarter Sessions assembled to establish another market in the Town of York," and a Bill intituled, "An Act to establish the division line between the second and third concessions of the Township of Osnabruck in the Eastern District."

The deputation having withdrawn, the said Bills were read a first time, and on motion made and seconded, the Bill intituled "An Act to authorize the Magistrates of the Home District, in General Quarter Sessions assembled, to establish another Market in the town of York," was ordered to be read a second time to-morrow.

On motion made and seconded, the House adjourned until to-morrow at eleven o'clock a.m.

Friday, 28th December, 1821.

The House met pursuant to adjournment.

Present: The Hons. Wm. Dummer Powell (Speaker); James Baby, John McGill, Thos. Scott, William Dickson, John Strachan, Angus McIntosh, Joseph Wells, and Geo. H. Markland. Prayers were read.

The Committee of Conference on the financial concerns of this Province with Lower Canada, reported certain addresses to His Excellency the Lieutenant Governor, which they recommended to the adoption of the House. Ordered that the said report be accepted. On motion made and seconded, the addresses were read, and ordered to be adopted.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into consideration the message from His Excellency the Lieutenant Governor received on Saturday last. House in Committee, Mr. McIntosh in the Chair. The Speaker resumed the Chair.

The Chairman reported that the Committee had taken the message into consideration, and had prepared an Address to His Excellency in answer thereto, which they had recommended to the adoption of the House. Ordered that the said report be accepted, and the address being read was ordered to be adopted.

On motion made and seconded, Messrs. Wells and Markland were appointed a Committee to wait upon His Excellency to know when he will be pleased to receive the Address, and to present the same.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled "An Act to provide for the appointment of Guardians."

The deputation having withdrawn, the said Bill was read a first time, and on motion made and seconded, ordered to be read a second time to-morrow.

On motion made and seconded, the Bill intituled "An Act to amend an Act passed in the thirty-fifth year of His late Majesty's reign, intituled 'An Act for the public registering of deeds, conveyances, wills and other incumbrances which shall be made or may affect any lands, tenements or hereditaments within this Province,'" was re-committed.

House in Committee, Mr. Markland in the Chair. The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Bill into consideration; had made some progress therein, and requested leave to sit again. Ordered that the report be accepted, and leave given accordingly.

A message in the following words, being signed by the Speaker, was by the Master-in-Chancery carried down to the Commons House of Assembly:—

Mr. Speaker: The Honorable the Legislative Council have concurred in the report of their Committee of Conference on the financial concerns of this Province with Lower Canada, and have adopted the Address to His Majesty recommended by the Committee.

(Signed) WM. DUMMER POWELL, Speaker.
Legislative Council Chamber, 28th December, 1821.

Pursuant to the order of the day, the Bill intituled "An Act for assigning limits to the respective Gaols within this Province," was recommitted.

House in Committee, Mr. Wells in the Chair. The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill, and had made some amendments thereto, which they recommended to the adoption of the House. Ordered that the report be accepted.

On motion made and seconded, the amendments were read, ordered to be engrossed, and the Bill as amended read a third time to-morrow.

A deputation from the Commons House of Assembly being announced it was admitted, and brought up and delivered a message in the following words:—

Mr. Speaker: The Commons House of Assembly request a renewal of the conference with the Honorable the Legislative Council on the subject of our financial relations with Lower Canada; for the purpose of proposing certain amendments to the Address to His Majesty reported from the Joint Committee.

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 28th December, 1821.

The deputation having withdrawn, the said message was read.

A message in the following words, being signed by the Speaker, was by the Master-in-Chancery carried down to the Commons House of Assembly:—

Mr. Speaker: The Honorable the Legislative Council have assented to a renewal of the conference with the Commons House of Assembly on the subject of our financial relations with Lower Canada. The Committee of the Legislative Council are now ready to meet the Committee of the Commons House of Assembly in the Joint Committee Room.

(Signed) WM. DUMMER POWELL, Speaker.

Legislative Council Chamber, 28th December, 1821.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into further consideration the Bill intituled "An Act to amend the Revenue Laws of this Province."

House in Committee, Mr. Baby in the Chair. The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Bill into consideration; had made some further progress therein, and requested leave to sit again. Ordered that the said report be accepted, and leave given accordingly.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up the Bill intituled, "An Act to repeal in part a certain part of an Act passed in the forty-third year of His late Majesty's reign, intituled, 'An Act to extend the provisions of an Act passed in the thirty-fourth year of His Majesty's reign, intituled An Act to restrain the custom of permitting horned cattle, horses, sheep, and swine to run at large,' and further to enable the Magistrates in their respective Districts in this Province, in General Quarter Sessions assembled, to make such rules and regulations as may restrain swine running at large in the respective towns in this Province where a Police is or may hereafter be established by law," in which that House had concurred.

The Committee of Conference on the Address to the King, reported that they had met the Committee of the Commons House of Assembly, who had proposed certain amendments to the Address, which the Committee now submitted to the House. Ordered that the report be accepted, and on motion made and seconded, the House resolved itself into a Committee of the Whole to take the proposed amendments into consideration.

House in Committee, Mr. Strachan in the Chair. The Speaker resumed the Chair. The Chairman reported that the Committee had taken the amendments into consideration, and recommended to the House that they be adopted. Ordered that the report be accepted.

On motion made and seconded, the House adjourned until to-morrow at twelve o'clock.

Saturday, 29th December, 1821.

The House met pursuant to adjournment.

Present: The Hons. Wm. Dummer Powell (Speaker), James Baby, Thos. Scott, William Dickson, John Strachan, Angus McIntosh, Joseph Wells, and George H. Markland. Prayers were read.

On motion made and seconded, ordered that the order of the day relating to the Bill intituled "An Act to authorize the Magistrates of the Home District, in General Quarter Sessions assembled, to establish another market in the Town of York," be discharged.

The Committee appointed to wait upon His Excellency the Lieutenant Governor, to know when he would be pleased to receive the address of this House, and to present the same, reported that they had delivered the Address as follows:—

To His Excellency Sir Peregrine Maitland, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding His Majesty's Forces therein, etc., etc., etc.

May it Please Your Excellency: The Legislative Council return thanks for Your Excellency's message respecting the report of the Commissioners for erecting a monument to the memory of the late Sir Isaac Brock, and uniting with Your Excellency in anxiety that the work should be worthy of the eminent services which it is intended to commemorate, will take into consideration the propriety of sanctioning the measure adverted to in the report.

(Signed) WM. DUMMER POWELL, Speaker.

Legislative Council Chamber, 28th December, 1821.

Pursuant to the order of the day, the Bill intituled "An Act to provide for the appointment of Guardians" was read a second time, and, on motion made and seconded, the House resolved itself into a Committee of the Whole, to take the same into consideration.

House in Committee, Mr. Dickson in the Chair. The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Bill into consideration, and had made some progress therein; and requested leave to sit again. Ordered that the said report be accepted, and leave given accordingly.

A message in the following words, being signed by the Speaker, was by the Master-in-Chancery carried down and delivered to the Commons House of Assembly:—

Mr. Speaker: The Honorable the Legislative Council have adopted the amendments to the Address to the King proposed by the Committee of Conference on the subject of the financial relations of this Province with Lower Canada.

(Signed) WM. D. POWELL, Speaker.

Legislative Council Chamber, 29th December, 1821.

Pursuant to the order of the day, the Bill intituled, "An Act for assigning limits to the respective gaols within this Province," was read a third time as amended, and the question if it do now pass being put, it was carried in the affirmative; whereupon the Speaker signed the same, and it was by the Master-in-Chancery carried down and returned to the Commons House of Assembly.

On motion made and seconded, the House resolved itself into a Committee of the Whole, to take into further consideration the Bill intituled "An Act to enable persons entitled to claim lands in this Province under titles or assignments derived from the heirs, devisees, or assignees of the original nominees of the Crown, to obtain patents for such lands."

House in Committee, Mr. Strachan in the Chair. The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said Bill into consideration; had made some further progress therein, and requested leave to sit again. Ordered that the said report be accepted, and leave given accordingly.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up and delivered a message in the following words:—

Mr. Speaker: The Commons House of Assembly has concurred in the joint report of the Select Committee of both Houses upon the financial relations of this Province with Lower Canada.

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 28th December, 1821.

The deputation having withdrawn, the said message was read.

On motion made and seconded, the House resolved itself into a Committee of the Whole, to take into consideration the Bill intituled "An Act to amend the Revenue Laws of this Province,"

House in Committee, Mr. Baby in the Chair. The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Bill into consideration; had made some further progress therein, and requested leave to sit again this day three months. Ordered that the said report be accepted, and leave given accordingly.

On motion made and seconded, the Bill intituled "An Act to establish the division line between the second and third concessions of the township of Osna-bruck in the Eastern District," was read a second time; and the House resolved itself into a Committee of the Whole to take the same into consideration.

House in Committee, Mr. McGill in the Chair. The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said Bill into consideration; had made some progress therein, and requested leave to sit again. Ordered that the said report be accepted, and leave given accordingly.

On motion made and seconded, the Bill intituled, "An Act for the relief of John White" was read a second time, and the House resolved itself into a Committee of the Whole to take the same into consideration.

House in Committee, Mr. McIntosh in the Chair. The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said Bill into consideration; and had agreed thereto without amendments. Ordered that the said report be accepted. And on motion made and seconded, ordered that the Bill be read a third time on Monday next.

On motion made and seconded, the House resolved itself into a Committee of the Whole, to take into further consideration the Bill intituled "An Act to repeal part of and amend the laws now in force for regulating the practice of Physic and Surgery within this Province."

House in Committee. Mr. McIntosh in the Chair. The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Bill into further

consideration; and requested leave to sit again this day three months. Ordered that the said report be accepted, and leave given accordingly.

On motion made and seconded, the House adjourned until Monday next at eleven o'clock a.m.

Monday, 31st December, 1821.

The House met pursuant to adjournment.

Present: The Hons. Wm. Dummer Powell (Speaker), James Baby, Thomas Scott, William Dickson, John Strachan. Angus McIntosh, Joseph Wells and George H. Markland. Prayers were read.

Pursuant to the order of the day, the Bill intituled "An Act for the relief of John White" was read a third time; and the question if it do now pass being put, it was carried in the affirmative; whereupon the Speaker signed the same.

On motion made and seconded, the House resolved itself into a Committee of the Whole, to take into further consideration the Bill intituled "An Act to enable persons entitled to claim lands in this Province under titles or assignments derived from the heirs, devisees or assignees of the original nominees of the Crown, to obtain patents for such lands."

House in Committee, Mr. Dickson in the Chair. The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Bill into further consideration; had made some progress, and requested leave to sit again. Ordered that the said report be accepted, and leave given accordingly.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into further consideration the Bill intituled "An Act to amend an Act passed in the thirty-fifth year of his late Majesty's reign, intituled 'An Act for the public registering of deeds, conveyances, wills and other encumbrances which shall be made or may affect any lands, tenements, or hereditaments within this Province.'"

House in Committee, Mr. Markland in the Chair. The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said Bill into further consideration; had made some progress therein, and requested leave to sit again. Ordered that the said report be accepted, and leave given accordingly.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into further consideration the Bill intituled "An Act to appoint trustees to the will of William Weeks, late of York, Esquire, deceased, to carry into effect the provisions thereof."

House in Committee, Mr. Markland in the Chair.

The Speaker resumed the Chair.

The Chairman reported that the Committee had gone through the Bill, and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded, ordered that the Bill be read a third time on Wednesday next.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into further consideration the Bill intituled "An Act to provide for the appointment of Guardians."

House in Committee, Mr. Dickson in the Chair.

The Speaker resumed the Chair.

The Chairman reported that the Committee had taken the Bill into consideration, had made some further progress therein, and requested leave to sit again. Ordered that the report be accepted and leave given accordingly.

On motion made and seconded, the House adjourned until Wednesday next at eleven o'clock a.m.

Wednesday, 2nd January, 1822.

The House met pursuant to adjournment. Present: The Hons. Wm. Dummer Powell (Speaker); James Baby, Thos. Scott, William Dickson, John Strachan, Angus McIntosh, Joseph Wells and George H. Markland. Prayers were read.

On motion made and seconded, the Bill intituled "An Act to appoint trustees to the will of William Weekes, late of York, Esq., deceased, to carry into effect the provisions thereof" was re-committed.

House in Committee, Mr. Markland in the Chair.

The Speaker resumed the Chair.

The Chairman reported that the Committee had made some further progress, and requested leave to sit again to-morrow. Ordered that the report be accepted, and leave given accordingly.

A deputation from the Commons House of Assembly being announced, it was admitted, and returned to this House the Bill intituled "An Act to extend the powers of the District Courts in this Province," to which they had made some amendments.

The deputation having withdrawn, the amendments were read, and on motion made and seconded, ordered that the House do to-morrow resolve itself into a Committee of the Whole to take the amendments into consideration.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled "An Act to confirm and make valid certain marriages heretofore contracted, and further to provide for the future solemnization of marriage within this Province."

The deputation having withdrawn, the Bill was read a first time, and ordered to be read a second time to-morrow.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into further consideration the Bill intituled "An Act to amend the Act passed in the thirty-fifth year of His late Majesty's reign intituled 'An Act for the public registering of deeds, conveyances, wills and other encumbrances which shall be made or may affect any lands, tenements or hereditaments within this Province.'"

House in Committee, Mr. Markland in the Chair.

The Speaker resumed the Chair.

The Chairman reported that the Committee had made some further progress, and requested leave to sit again. Ordered that the report be accepted, and leave given accordingly.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into further consideration the Bill intituled "An Act to establish the division line between the second and third concessions of the Township of Osnabruck, in the Eastern District."

House in Committee, Mr. Wells in the Chair.

The Speaker resumed the Chair.

The Chairman reported that the Committee had gone through the Bill, and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded, ordered that the Bill be read a third time to-morrow.

On motion made and seconded, the House adjourned until to-morrow at 12 o'clock.

Thursday 3rd January, 1822.

The House met pursuant to adjournment. Present: The Hons. Wm. D. Powell (Speaker); Thos. Scott, William Dickson, John Strachan, Angus McIntosh Joseph Wells and George H. Markland. Prayers were read.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into further consideration the Bill intituled "An Act to appoint trustees to the will of William Weekes, late of York, deceased, to carry into effect the provisions of the same."

House in Committee, Mr. Markland in the Chair.

The Speaker resumed the Chair.

The Chairman reported that the Committee had made some amendments to the Bill, which they recommended to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded the amendments were read, ordered to be engrossed, and the Bill as amended read a third time this day.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into consideration the amendments made by the Commons House of Assembly in and to the Bill sent down from this House intituled "An Act to extend the powers of the District Courts in this Province."

House in Committee, Mr. Dickson in the Chair.

The Speaker resumed the Chair.

The Chairman reported that the Committee had taken the amendments into consideration, and recommended them to the adoption of the House, and that a message be sent to the Commons House of Assembly to inform them thereof. Ordered that the report be adopted.

Pursuant to the order of the day, the Bill intituled "An Act to establish the division line between the second and third concessions of the Township of Osnabrock in the Eastern District" was read a third time, and the question if it do now pass being put, it was carried in the affirmative, whereupon the Speaker signed the same.

Pursuant to the order of the day, the Bill intituled "An Act to appoint trustees to the will of William Weekes, late of York, Esquire, deceased, to carry into effect the provisions thereof" was read a third time as amended, and the question if it do now pass being put it was carried in the affirmative, whereupon the Speaker signed the amendments.

The said Bills, with the Bill intituled "An Act for the relief of John White," and a message in the following words, were by the Master-in-Chancery carried down to the House of Assembly:

Mr. Speaker: The Honorable the Legislative Council have concurred in the amendments made by the Commons House of Assembly in and to the Bill intituled "An Act to extend the powers of the District Courts in this Province."

Legislative Council Chamber, (Signed) WM. DUMMER POWELL, Speaker.
3rd January, 1822.

On motion made and seconded, the House adjourned until to-morrow at twelve o'clock.

Friday, 4th January, 1822.

The House met pursuant to adjournment. Present: The Hons. Wm. D. Powell (Speaker), James Baby, John McGill, Thos. Scott, William Dickson, John Strachan, Angus McIntosh, Joseph Wells and George H. Markland. Prayers were read.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up and delivered at the Bar of this House a message in the following words:

Mr. Speaker: The Commons House of Assembly requests a conference with the Honorable the Legislative Council on the subject matter of the amendments made by that Honorable House in and to the Bill intituled "An Act to repeal part of and to amend an Act passed in the fiftieth year of His late Majesty's reign intituled 'An Act to provide for the laying out, amending and keeping in repair the public highways and roads in this Province, and to repeal the laws now in force for that purpose,' and also to extend the provisions of the said Act; and also an Act passed in the fifty-ninth year of His late Majesty's reign intituled 'An Act to repeal part of and amend the laws now in force for laying out, amending and keeping in repair the Public Highways and Roads in this Province.'"

Commons House of Assembly, (Signed) LEVIUS P. SHERWOOD, Speaker.
3rd January, 1822.

The deputation having withdrawn, the message was read.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up and delivered at the Bar of this House a message in the following words:

Mr. Speaker: The Commons House of Assembly have concurred in the amendments made by the Honorable the Legislative Council in and to the Bill intituled "An Act for assigning limits to the respective Gaols within this Province."

Commons House of Assembly, (Signed) LEVIUS P. SHERWOOD, Speaker.
4th January, 1822.

The deputation also brought up a Bill intituled "An Act to amend an Act passed in the fifty-ninth year of His late Majesty's reign, and promulgated by proclamation bearing date the twenty-first day of April in the Year of Our Lord One Thousand Eight Hundred and Twenty-one, "An Act to incorporate sundry persons under the style and title of the President, Directors and Company of the Bank of Upper Canada."

The deputation having withdrawn, the message and Bill were read, and on motion made and seconded the Bill was ordered to be read a second time to-morrow.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled "An Act for the relief of John Chrysler, Esquire."

The deputation having withdrawn, the Bill was read a first time, and on motion made and seconded ordered to be read a second time to-morrow.

On motion made and seconded, the House Resolved itself into a Committee of the Whole to frame instructions for the guidance of the Committee to be appointed to confer with the Committee of the Commons House of Assembly on the subject of the amendments made by this House in and to the Bill intituled

“An Act to repeal part of and amend an Act passed in the fiftieth year of his late Majesty's reign intituled ‘An Act to provide for the laying out, amending and keeping in repair the public highways and roads in this Province, and to repeal the laws now in force for that purpose,’ and also to extend the provisions of the said Act; and also an Act passed in the fifty-ninth year of His late Majesty's reign, intituled ‘An Act to repeal part of and amend the laws now in force for laying out, amending and keeping in repair the public highways and roads in this Province.’”

House in Committee, Mr. Baby in the Chair.

The Speaker resumed the Chair.

The Chairman reported that the Committee recommended to the House that the Committee of Conference be directed to adhere to the amendments made by this House. Ordered that the report be accepted.

A message in the following words, being signed by the Speaker, was by the Master-in-Chancery carried down and delivered to the Commons House of Assembly:

Mr. Speaker: The Honorable the Legislative Council have agreed to a conference with the Commons House of Assembly on the subject matter of amendments made by this House in and to the Bill intituled “An Act to repeal part of and amend an Act passed in the fiftieth year of His late Majesty's reign intituled ‘An Act for the laying out, amending and keeping in repair the public highways and roads in this Province, and to repeal the laws now in force for that purpose,’ and to extend the provisions of the said Act; and also an Act passed in the fifty-ninth year of His late Majesty's reign intituled ‘An Act to repeal part of and amend the laws now in force for laying out, amending and keeping in repair the public highways and roads in this Province,” and have appointed a Committee of two members who will be ready to meet the Committee of the Commons House of Assembly in the Joint Committee Room at ten o'clock to-morrow morning.

Legislative Council Chamber,
4th January, 1822.

(Signed) W. D. POWELL, Speaker.

And Messieurs Dickson and Strachan were appointed a Committee for that purpose.

On motion made and seconded, it was ordered that the Hon. Angus McIntosh be permitted after to-morrow to absent himself from this House during the remainder of the present Session.

On motion made and seconded, the House adjourned until to-morrow at 11 o'clock, a. m.

Saturday, 5th January, 1822.

The House met pursuant to adjournment. Present: The Hons. W. D. Powell (Speaker), James Baby, John McGill, Thos. Scott, William Dickson, John Strachan, Angus McIntosh, Joseph Wells and George H. Markland. Prayers were read.

The Committee appointed to confer with the Commons House of Assembly on the subject of the amendments made by this House in and to the Bill intituled “An Act to repeal part of and amend an Act passed in the fiftieth year of His late Majesty's reign intituled ‘An Act to provide for the laying out, amending and keeping in repair the public highways and roads in this Province, and to repeal

the laws now in force for that purpose,' and also to extend the provisions of the said Act; and also an Act passed in the fifty-ninth year of His late Majesty's reign intituled 'An Act to repeal part of and amend the laws now in force for the laying out, amending and keeping in repair the public highways and roads in this Province,'" reported that they had done so, and had informed the Committee of the Commons House of Assembly that this House would not recede from the amendments.

Pursuant to the order of the Day, the Bill intituled "An Act to amend an Act passed in the fifty-ninth year of His late Majesty's reign, and promulgated by proclamation bearing date the twenty-first day of April, in the Year of Our Lord One Thousand Eight Hundred and Twenty-one, intituled 'An Act to incorporate sundry persons under the style and title of the President, Directors and Company of the Bank of Upper Canada'" was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration.

House in Committee, Mr. McGill in the Chair.

The Speaker resumed the Chair.

The Chairman reported that the Committee had gone through the Bill, and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded ordered that the Bill be read a third time on Monday next.

Pursuant to the order of the day, the Bill intituled "An Act for the relief of John Chryslers, Esq., was read a second time.

On motion made and seconded, the Bill intituled "An Act to amend an Act passed in the thirty-fifth year of His late Majesty's reign intituled 'An Act for the public registering of deeds, conveyances, wills and other incumbrances which shall be made or may affect any lands, tenements or hereditaments within this Province'" was re-committed.

House in Committee, Mr. Markland in the Chair.

The Speaker resumed the Chair.

The Chairman reported that the Committee had made some amendments to the Bill, which they recommended to the adoption of the House. Ordered that the report be accepted, and the amendments being read were ordered to be engrossed, and the Bill as amended read a third time on Monday next.

A deputation from the Commons House of Assembly being announced it was admitted, and brought up for the concurrence of this House a Bill intituled "An Act to repeal certain parts of an Act passed in the forty-third year of the reign of His late Majesty George the Third intituled 'An Act to explain and amend an Act passed in the forty-first year of His Majesty's reign intituled 'An Act for granting to His Majesty, His Heirs and Successors, to and for the uses of this Province, the like duties on goods and merchandise brought into this Province from the United States of America as are now paid on goods and merchandise imported from Great Britain and other places, and to provide more effectually for the collection and payment of duties on goods and merchandise coming from the United States of America into this Province,' and also to establish a fund for the erection and repairing of lighthouses, and to extend the provisions of the several laws now in force regulating the collection of duties on imports into this Province," and a message in the following words:

Mr. Speaker: The Commons House of Assembly have concurred in the amendments made by the Honorable the Legislative Council in and to the Bill intituled "An Act to appoint trustees to the will of William Weeks, late of York, Esquire, deceased, to carry into effect the provisions thereof."

Commons House of Assembly, (Signed) LEVIUS P. SHERWOOD, Speaker.
5th January, 1822.

The deputation having withdrawn, the said Bill and message were read, and on motion made and seconded the Bill was ordered to be read a second time on Monday next.

On motion made and seconded, it was ordered that the Hon. William Dickson be permitted to absent himself five days from Monday next.

On motion made and seconded, the House adjourned until Monday next at twelve o'clock.

Monday, 7th January, 1822.

The House met pursuant to adjournment. Present: The Hons. W. D. Powell (Speaker), James Baby, John McGill, Thos. Scott, John Strachan, Joseph Wells and George H. Markland. Prayers were read.

Pursuant to the order of the day, the Bill intituled "An Act to amend an Act passed in the fifty-ninth year of His Majesty's reign, and promulgated by proclamation bearing date the twenty-first day of April, in the Year of Our Lord One Thousand Eight Hundred and Twenty-one, intituled 'An Act to incorporate sundry persons under the style and title of the President, Directors and Company of the Bank of Upper Canada,'" was read a third time; and the question if it do now pass being put, was carried in the affirmative; whereupon the Speaker signed the same.

Pursuant to the order of the day, the Bill intituled "An Act to amend an Act passed in the thirty-fifth year of His late Majesty's reign, intituled 'An Act for the public registering of deeds, conveyances, wills and other incumbrances which shall be made or may affect any lands, tenements or hereditaments within this Province,'" was read a third time as amended, and the question if it do now pass being put it was carried in the affirmative. Whereupon the Speaker signed the amendments, and the said Bills were by the Master-in-Chancery carried down and returned to the Commons House of Assembly.

Pursuant to the order of the day, the Bill intituled "An Act to repeal certain parts of an Act passed in the forty-third year of the reign of His late Majesty George the Third, intituled 'An Act to explain and amend an Act passed in the forty-first year of His Majesty's reign, intituled 'An Act for granting to His Majesty, His Heirs and Successors, to and for the use of this Province, the like duties on goods and merchandise brought into this Province from the United States of America as are now paid on goods and merchandise imported from Great Britain and other places, and to provide more effectually for the collection and payment of duties on goods and merchandise coming from the United States of America into this Province,' and also to establish a fund for the erection and repairing of lighthouses, and to extend the provisions of the several laws now in force regulating the collection of duties on imports into this Province,'" was read a second time; and the House resolved itself into a Committee of the Whole to take the same into consideration.

House in Committee. Mr. Wells in the Chair.

The Speaker resumed the Chair.

The Chairman reported that the Committee had taken the Bill into consideration; had made some progress therein, and requested leave to sit again. Ordered that the said report be accepted, and leave given accordingly.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled "An Act to continue an Act passed in the forty-sixth year of His late Majesty's reign, intituled 'An Act to make provision for certain Sheriffs in this Province,' and a certain other Act of the Parliament of this Province, passed in the fifty-seventh year of His late Majesty's reign, intituled 'An Act further to continue an Act passed in the forty-sixth year of His Majesty's reign, intituled 'An Act to make provision for certain Sheriffs in this Province,' and also to extend the provisions of the said Act, and to protect the interest of suitors in certain cases.'"

The deputation also brought up a Bill intituled "An Act to make further regulation respecting the weekly maintenance of Insolvent Debtors.

The deputation having withdrawn, the said Bills were read a first time, and on motion made and seconded, ordered to be read a second time to-morrow.

A message from His Excellency the Lieutenant Governor being announced, Major Hillier was admitted, and delivered a message from His Excellency.

Major Hillier having withdrawn, the Message and Memorial referred to were read as follows:—

P. MAITLAND.

The Lieutenant Governor thinks it proper to transmit to the Honorable the Legislative Council the accompanying Memorial of the Surveyor General, and to recommend the same to the consideration of the House.

Government House, York, 7th January, 1822.

To His Excellency Sir Peregrine Maitland, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding His Majesty's Forces therein, etc.

The Memorial of Thomas Ridout, Surveyor General, humbly sheweth:—

That when Your Memorialists had completed the Schedules of the granted and leased lands from the 1st July, 1820, to the 1st day of July, 1821, pursuant to an Act passed in the fifty-ninth year of the reign of His late Majesty, relative to the levying and collecting the rates and assessments in this Province, and which Your Memorialist had the honor to transmit to the Government Office in September last.

It appeared to Your Memorialist, on referring to the said Act, that he was not entitled to receive for any schedule made subsequent to the said 1st day of July, 1820, more than the sum of two shillings and sixpence, in the conjecture, as Your Memorialist presumes to think, that after that period all the schedules would be supplementary.

Your Memorialist therefore respectfully begs leave to state that of the schedules made by him of grants, leases and locations between the 1st day of July, 1820, and the 1st day of July, 1821, forty-one were original ones (being the first return of as many townships) and one hundred and twenty-two supplementary schedules, as enumerated in the lists that accompanied them.

And as Your Memorialist humbly presumed it was the intention of the Legislature in framing the afore recited Act that the Surveyor General should be remunerated in the sum of twenty shillings for each and every original schedule of

a township furnished by him; and in the sum of two shillings and sixpence for each schedule truly supplementary,

He respectfully submits the foregoing to Your Excellency's consideration, and humbly requests that Your Excellency would be pleased to grant him such relief in the premises as to Your Excellency may seem meet.

And as in duty bound, Your Memorialist shall ever pray.

(Signed) THOS. RIBOUT.

York, 29th September, 1821.

On motion made and seconded, the House adjourned until to-morrow at twelve o'clock.

Tuesday, 8th January, 1822.

The House met pursuant to adjournment. Present: The Hons. Wm. Dummer Powell, Speaker; James Baby, John McGill, Thos. Scott, John Strachan, Joseph Wells and George H. Markland. Prayers were read.

Pursuant to the order of the day, the Bill intituled "An Act to continue an Act passed in the forty-sixth year of His late Majesty's reign, intituled 'An Act to make provision for certain Sheriffs in this Province,' and a certain other Act of the Parliament of this Province passed in the fifty-seventh year of His late Majesty's reign, intituled 'An Act further to continue an Act passed in the forty-sixth year of His Majesty's reign, intituled 'An Act to make provision for certain Sheriffs in this Province,' and also to extend the provisions of the said Act, and to protect the interest of suitors in certain cases,'" was read a second time, and on motion made and seconded, the House resolved itself into a Committee of the Whole, to take the same into consideration. House in Committee. Mr. Strachan in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill, and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded, the Bill was ordered to be read a third time to-morrow.

Pursuant to the order of the day, the Bill intituled "An Act to make further regulation respecting the weekly maintenance of Insolvent Debtors" was read a second time; and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Markland in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill, and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded, the Bill was ordered to be read a third time to-morrow.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up a message and certain resolutions for the concurrence of this House.

The deputation having withdrawn, the message and resolutions were read as follows:—

Mr. Speaker,—The Commons House of Assembly transmits to the Honorable the Legislative Council certain resolutions which passed this House, and to which they respectfully ask the concurrence of the Honorable the Legislative Council.

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 8th January, 1822.

Resolved,—That in relation to that part of the Joint Report respecting the financial concerns of this Province with Lower Canada which recommends that considering the magnitude and variety of the objects to which the attention of His Majesty and the British Parliament is to be called by the proposed Address; their lasting importance to the Inhabitants of this Province, and the urgent necessity of a speedy arrangement, it is highly expedient that a person of talents and respectability sufficient to solicit and represent the interests of this Province should be commissioned to present the Address at the foot of the Throne; and that to that end a Bill should be passed, authorizing the Governor to appoint a Commissioner for that purpose; and appropriating an adequate sum for the remuneration of so important a service; this House is of opinion that John B. Robinson, Esquire, His Majesty's Attorney General of this Province, and a Member of this House, from his extensive information and general knowledge of the affairs and interests of this Province, and particularly of those matters to which His Majesty's consideration is prayed by the joint Address, is well qualified to undertake the duties suggested by the said report, and that therefore his appointment would be highly gratifying to this House.

Resolved,—That it is the opinion of this House that an Address be presented to His Excellency the Lieutenant Governor, praying him to accede to the wish of this House expressed in the foregoing resolution, and assuring His Excellency that this House in doing so disclaims all desire of interfering with the appointment referred to; which by the resolution of both Houses is to rest solely with the Executive Government; and are only desirous of expressing to His Excellency their conviction that the appointment of the Attorney General, if his services in his official situation can be dispensed with, would be satisfactory to them, and beneficial to the interests of the Province.

Resolved,—That a message be sent to the Honorable the Legislative Council communicating a copy of the foregoing resolution; and requesting their concurrence therein.

A true copy from the minutes.

(Signed) G. POWELL, Clk. Leg. Assbly.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into consideration the message from and resolutions of the House of Assembly. House in Committee. Mr. Baby in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the resolutions; and recommended that the House should concur therein. Ordered that the report be accepted.

A message in the following words, being signed by the Speaker, was by the Master-in-Chancery carried down and delivered to the Commons House of Assembly:—

Mr. Speaker: The Honorable the Legislative Council have concurred in the resolutions of the Commons House of Assembly accompanying a message received from that House this day.

(Signed) W. D. POWELL, Speaker.

Legislative Council Chamber,
8th January, 1822.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled "An

Act to incorporate certain persons under the style and title of the President, Directors and Company of the Bank of Kingston."

The deputation having withdrawn, the said Bill was read a first time, and on motion made and seconded, ordered to be read a second time to-morrow.

The several Addresses to His Majesty and the Lieutenant Governor, respecting the financial relations of this Province with Lower Canada, were read a third time, and the question if it do now pass being put upon each respectively, it was carried in the affirmative; whereupon the Speaker signed the same and they were by the Master-in-Chancery carried down and delivered to the Commons House of Assembly.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into further consideration the Bill intituled "An Act to authorize the Magistrates of the Home District in General Quarter Sessions assembled to establish another market in the Town of York."

House in Committee. Mr. McGill in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Bill into consideration; had made some further progress therein, and requested leave to sit again this day three months.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into further consideration the Bill intituled "An Act to enable persons entitled to claim lands in this Province under titles or assignments derived from the heirs, devisees or assignees of the original nominees of the Crown to obtain patents for such lands."

House in Committee. Mr. Wells in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Bill into consideration; had made some further progress therein; and requested leave to sit again this day three months. Ordered that the report be accepted, and leave given accordingly.

On motion made and seconded, the House resolved itself into a Committee of the Whole, to take into further consideration the Bill intituled "An Act to confirm and make valid certain marriages heretofore contracted, and further to provide for the future solemnization of marriage within this Province."

House in Committee. Mr. Markland in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Bill into consideration; had made some further progress therein; and requested leave to sit again this day three months. Ordered that the report be accepted, and leave given accordingly.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into consideration the report of the Commissioners for the erection of a monument to the memory of the late General Brock. House in Committee. Mr. Strachan in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee recommend that an Address be presented to His Excellency the Lieutenant Governor on the subject of the said report and message from His Excellency transmitting the same. Ordered that the report be accepted, and Messrs. Strachan and Markland were appointed a Committee to prepare the Address.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up and delivered at the Bar of this House a message in the following words:

Mr. Speaker: The Commons House of Assembly have concurred in the several Joint Addresses sent down to them from the Honorable the Legislative Council this

day, and request a conference with that Honorable House for the purpose of drafting an address to His Excellency the Lieutenant Governor in pursuance of the resolutions of this House concurred in by that Honorable House on the subject of the appointment of a Commissioner to lay at the foot of the Throne the joint Address of both Houses respecting the commercial relations of this Province with Lower Canada.

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly,
8th January, 1822.

The deputation having withdrawn, the said message was read.

A message in the following words, being signed by the Speaker, was by the Master-in-Chancery carried down and delivered to the Commons House of Assembly:

Mr. Speaker: The Honorable the Legislative Council have agreed to a conference with the Commons House of Assembly for the purpose of draughting an Address to His Excellency the Lieutenant Governor in pursuance of the resolutions concurred in by this House on the subject of the appointment of a Commissioner to lay at the foot of the Throne the joint Address of both Houses respecting the commercial relations of this Province with Lower Canada; and have appointed a Committee of two members who will be ready to meet the Committee of the Commons House of Assembly for that purpose in the joint Committee room at ten o'clock to-morrow morning.

(Signed) WM. DUMMER POWELL, Speaker.

Legislative Council Chamber,
8th January, 1822.

And Messrs. Strachan and Markland were appointed a Committee for that purpose.

A deputation from the Commons House of Assembly being announced it was admitted, and brought up and returned the several Addresses to His Majesty and the Lieutenant Governor respectively, respecting the financial concerns of this Province with Lower Canada, in which that House had concurred.

On motion made and seconded, the House adjourned until to-morrow at two o'clock p.m.

Wednesday, 9th January, 1822.

The House met pursuant to adjournment. Present: The Hons. Wm. Dummer Powell, Speaker; James Baby, John McGill, Thos. Scott, John Strachan, Joseph Wells and George H. Markland. Prayers were read.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled "An Act to amend and extend the provisions of an Act passed in the second year of His Majesty's reign, intituled An Act to repeal an Act passed in the first year of His Majesty's reign, intituled An Act to regulate the commercial intercourse between this Province and the United States of America by land and inland navigation, and further to regulate the trade between this Province and the United States of America by land and inland navigation," and the Bill sent down from this House intituled "An Act to repeal part of and amend the laws now in force respecting the practice of His Majesty's Court of King's Bench in this Province," to which that House had made some amendments.

The deputation having withdrawn, the Bill intituled "An Act to amend and extend the provisions of an Act passed in the second year of His Majesty's reign, intituled 'An Act to repeal an Act passed in the first year of His Majesty's reign intituled An Act to regulate the commercial intercourse between this Province and the United States of America by land and inland navigation, and further to regulate the trade between this Province and the United States of America by land and inland navigation,'" was read a first time; and on motion made and seconded, ordered to be read a second time to-morrow.

The amendments to the Bill intituled "An Act to repeal part of and amend the laws now in force respecting the practice of His Majesty's Court of King's Bench in this Province," were read a first time.

The Committee appointed to confer with a Committee of the Commons House of Assembly, for the purpose of draughting an Address to His Excellency in pursuance of the resolutions concurred in by this House, on the subject of the appointment of a Commissioner to lay at the foot of the throne the joint Address of both Houses respecting the commercial relations of this Province with Lower Canada; reported that they had prepared a joint Address to His Excellency, which they recommended to the adoption of the House. Ordered that the report be accepted, and the Address being read the House resolved itself into a Committee of the Whole to take the same into consideration.

House in Committee. Mr. Wells in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said Address into consideration, and recommended it to the adoption of the House. Ordered that the report be accepted.

Pursuant to the order of the day, the Bill intituled "An Act to continue an Act passed in the forty-sixth year of His late Majesty's reign, intituled 'An Act to make provision for certain Sheriffs in this Province,' and a certain other Act of the Parliament of this Province passed in the fifty-seventh year of His late Majesty's reign, intituled 'An Act further to continue an Act passed in the forty-sixth year of His Majesty's reign, intituled an Act to make provision for certain Sheriffs in this Province,' and also to extend the provisions of the said Act and to protect the interest of suitors in certain cases," was read a third time, and the question if it do now pass being put, it was carried in the affirmative: whereupon the Speaker signed the same.

Pursuant to the order of the day, the Bill intituled "An Act to make further regulation respecting the weekly maintenance of Insolvent Debtors" was read a third time, and the question if it do now pass being put, it was carried in the affirmative; whereupon the Speaker signed the same; and the said Bills were by the Master-in-Chancery carried down and returned to the Commons House of Assembly.

The Committee appointed to prepare an Address to His Excellency the Lieutenant Governor on the subject of the report of the Commissioners for the erection of a monument to the memory of the late Sir Isaac Brock, reported that they had done so, and now recommended the Address to the adoption of the House. Ordered that the report be accepted, and on the motion made and seconded, the House resolved itself into a Committee of the Whole to take the same into consideration.

House in Committee. Mr. Baby in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Address into consideration, and recommended it to the adoption of the House. Ordered that the report be accepted.

The Address being read, on motion made and seconded, it was recommitted.

House in Committee. Mr. Baby in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had reconsidered the Address, and had made some amendments thereto; which they recommended to the adoption of the House. Ordered that the report be accepted.

On motion made and seconded, the amendments were read and adopted; and the Address as amended, ordered to be engrossed and read a third time this day.

Pursuant to order, the Address was read a third time, and the question if it do now pass being put, was carried in the affirmative; whereupon the Speaker signed the same, and Mr. Wells was appointed to wait upon His Excellency to know when he would be pleased to receive the same, and to present it.

Pursuant to the order of the day, the Bill intituled "An Act to incorporate certain persons under the style and title of the President, Directors and Company of the Bank of Kingston" was read a second time.

On motion made and seconded, the House resolved itself into a Committee of the Whole, to take into consideration the amendments made by the Commons House of Assembly in and to the Bill intituled "An Act to repeal part of and to amend the laws now in force respecting the practice of His Majesty's Court of King's Bench in this Province." House in Committee. Mr. McGill in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said amendments into consideration; had made some progress therein, and requested leave to sit again to-morrow. Ordered that the report be accepted, and leave given accordingly.

On motion made and seconded, the House resolved itself into a Committee of the whole, to take into further consideration the Bill intituled "An Act for the relief of John Chrysler, Esquire." House in Committee. Mr. Strachan in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill, and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded, the Bill was ordered to be read a third time to-morrow.

On motion made and seconded, the House resolved itself into a Committee of the Whole, to take into consideration the Bill intituled "An Act to incorporate certain persons under the style and title of the President, Directors and Company of the Bank of Kingston." House in Committee. Mr. Wells in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Bill into consideration; had made some progress therein, and requested leave to sit again. Ordered that the report be accepted, and leave given accordingly.

A message in the following words, being signed by the Speaker, was by the Master-in-Chancery carried down and delivered to the Commons House of Assembly:

Mr. Speaker: The Honorable the Legislative Council have appointed a Committee of two members to wait upon His Excellency the Lieutenant Governor, to know when His Excellency will be pleased to receive the joint Address of both Houses to His Majesty and to himself, respecting the financial relations of this Province with Lower Canada.

Legislative Council Chamber,
9th January, 1822.

(Signed) W. DUMMER POWELL, Speaker.

Messrs. Baby and Strachan were appointed a Committee for that purpose.

On motion made and seconded, the House adjourned until to-morrow at twelve o'clock.

Thursday, 10th January, 1822.

The House met pursuant to adjournment. Present: The Hons. Wm. D. Powell, Speaker; James Baby, John McGill, Thos. Scott, John Strachan, Joseph Wells and George H. Markland. Prayers were read.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up and delivered at the Bar of this House a message in the following words:

Mr. Speaker: The Commons House of Assembly has appointed a Committee to wait upon His Excellency the Lieutenant Governor with the Committee of the Honorable the Legislative Council, to know when His Excellency will be pleased to receive the joint Address of both Houses to His Majesty and the joint Address of both Houses to His Excellency, respecting our financial concerns with Lower Canada.

Commons House of Assembly,
10th January, 1822.

(Signed) LEVIUS P. SHERWOOD, Speaker.

The deputation also brought up for the concurrence of this House the Bill intituled "An Act to render ineligible to a seat in the Commons House of Assembly of this Province certain descriptions of persons therein mentioned," and also a Bill intituled "An Act for granting to His Majesty, His Heirs and Successors a Revenue in aid of the fund established for the erection and repairing of lighthouses, and to relieve the coasting vessels of His Majesty's subjects from charges on entering and clearing out of the Ports within this Province."

The deputation having withdrawn, the said message and Bills were read, and on motion made and seconded the said Bills were ordered to be read a second time to-morrow.

Pursuant to the order of the day, the Bill intituled "An Act for the relief of John Chrysler, Esq.," was read a third time, and the question if it do now pass being put was carried in the affirmative. Whereupon the Speaker signed the same, and it was by the Master-in-Chancery carried down and returned to the Commons House of Assembly.

Pursuant to the order of the day, the Bill intituled "An Act to amend and extend the provisions of an Act passed in the second year of His Majesty's reign, intituled an Act to repeal an Act passed in the first year of His Majesty's reign, intituled An Act to regulate the commercial intercourse between this Province and the United States of America by land and inland navigation, and further to regulate the trade between this Province and the United States of America by land and inland navigation," was read a second time and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee, Mr. Markland in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Bill into consideration; had made some progress therein, and requested leave to sit again. Ordered that the report be accepted, and leave given accordingly.

Pursuant to the order of the day, the amendments to the Bill intituled "An Act to repeal part of and amend the laws now in force respecting His Majesty's Court of Kings Bench in this Province," were recommitted. House in Committee, Mr. McGill in the chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the amendments into consideration; had made some progress therein, and requested leave to sit again this day. Ordered that the report be accepted.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into further consideration the amendments made by the Commons House of Assembly in and to the Bill intituled "An Act to repeal part of and amend the laws now in force respecting the practice of His Majesty's Court of King's Bench in this Province." House in Committee, Mr. McGill in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the said amendments, and recommended them to the adoption of the House. Ordered that the report be accepted.

On motion made and seconded the Bill as amended was read.

A message in the following words, being signed by the Speaker, was by the Master-in-Chancery carried down and delivered to the Commons House of Assembly.

Mr. Speaker,—The Honorable the Legislative Council have concurred in the amendments made by the Commons House of Assembly in and to the Bill intituled "An Act to repeal part of and amend the laws now in force respecting the practice of His Majesty's Court of King's Bench in this Province."

(Signed) W. D. POWELL, Speaker.

Legislative Council Chamber, 10th January, 1822.

Mr. Wells, who was appointed to wait upon His Excellency the Lieutenant Governor, to know when he would be pleased to receive the Address of this House relative to the report of the Commissioners for erecting a monument to the memory of the late Sir Isaac Brock, reported that he had done so; and His Excellency being then ready to receive it, the Address was presented to him as follows.

To His Excellency Sir Peregrine Maitland, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding His Majesty's forces therein; &c., &c., &c.

May it please Your Excellency:—The Legislative Council in conformity with the wish of Your Excellency have taken into consideration the propriety of adopting the mode referred to in the report of the Commissioners appointed to erect a monument in commemoration of the eminent services of the late Sir Isaac Brock; and beg leave to assure Your Excellency of their ready acquiescence in such measures as Your Excellency may deem expedient to sanction, upon the consideration of the report of the Commissioners, for effecting so desirable an object.

Legislative Council Chamber,
9th January, 1822.

(Signed) WM. DUMMER POWELL, Speaker.

The Committee appointed to wait upon His Excellency the Lieutenant Governor to know when he would be pleased to receive the Joint Address to His Majesty and the Addresses to himself respecting the financial relations of this Province with Lower Canada, reported that they had done so; and His Excellency had been pleased to appoint eleven o'clock to-morrow for that purpose.

A deputation from the Commons House of Assembly being announced, it was admitted and brought up for the concurrence of this House a Bill intituled "An Act to prohibit the sale of Spirituous Liquors to Indians within the organized counties or townships of this Province." The deputation having withdrawn, the Bill was read a first time; and on motion made and seconded, ordered to be read a second time to-morrow.

A deputation from the Commons House of Assembly being announced it was admitted, and brought up and delivered at the bar of this House a message in the following words:

Mr. Speaker:—The Commons House of Assembly has concurred in the joint Address to His Excellency the Lieutenant Governor, as reported by the Joint Committee upon the subject of the appointment of a Commissioner to lay at the foot of the Throne the Joint Address of both Houses to His Majesty, respecting the financial relations of this Province with Lower Canada.

Commons House of Assembly, (Signed) LEVIUS P. SHERWOOD, Speaker.
10th January, 1822.

The deputation having withdrawn, the message was read.

On motion made and seconded, the Address to His Excellency the Lieutenant Governor on the subject of the appointment of a Commissioner to lay at the foot of the Throne the Joint Address of both Houses to His Majesty respecting the financial relations of this Province with Lower Canada, was read a third time; and the question if it do now pass being put was carried in the affirmative. Whereupon the Speaker signed the same, and it was by the Master-in-Chancery carried down to the Commons House of Assembly.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into further consideration the Bill intituled "An Act to repeal certain parts of an Act passed in the forty-third year of the reign of His late Majesty George the Third, intituled 'An Act to explain and amend an Act passed in the forty-first year of His Majesty's reign, intituled An Act for granting to His Majesty, His Heirs and Successors, to and for the uses of this Province, the like duties on goods and merchandise brought into this country from the United States of America as are now charged on goods and merchandise imported from Great Britain and other places, and to provide more effectually for the collection and payment of duties on goods and merchandise coming from the United States of America into this Province, and also to establish a fund for the erection and repairing of lighthouses,' and to extend the provisions of the several laws now in force regulating the collection of duties on imports into this Province."

House in Committee, Mr. Wells in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Bill into consideration, had made some further progress therein, and requested leave to sit again. Ordered that the report be accepted, and leave given accordingly.

On motion made and seconded, the House adjourned until to-morrow at ten o'clock, a.m.

Friday, 11th January, 1822.

The House met pursuant to adjournment. Present: The Hons. W. D. Powell, Speaker; James Baby, John McGill, Thos. Scott, John Strachan, Joseph Wells and George H. Markland. Prayers were read.

At eleven o'clock, the Speaker, Members and Officers of this House proceeded with the Speaker, Members, and Officers of the Commons House of Assembly to the Government House, to present the Joint Addresses to His Excellency the Lieutenant Governor, which are as follows:

To the King's Most Excellent Majesty:—

Most Gracious Sovereign:—We, Your Majesty's dutiful and loyal subjects, the Legislative Council and Commons of Upper Canada in Provincial Parliament assembled, humbly approach Your Majesty with our respectful representation.

That when your August Father announced to His Imperial Parliament his gracious intention to divide his Province of Quebec into two distinct Provinces, to comprehend all that territory acquired by conquest under the name of Canada, the Parliament, sensible of the Royal will to secure equally to his old and new subjects respectively the full enjoyment of their religions, Laws and Language, did in its wisdom provide for such security a constitution common to both the future Provinces. In granting to the Provinces respectively a legislative power quite adequate to their wants and prosperity so much was only reserved as was necessary to protect religion, the prerogative and commerce from the irregular interposition of either.

The local situation of Upper Canada singular amongst the numerous colonies and possessions of the United Kingdom, leaves her no approach to the ocean but through the Port of Quebec, the Capital of Lower Canada.

The regulation of that port and the control of imports into and exports from it naturally belong to the National Legislature, and was retained in the constitutional charter granted by Parliament.

A legislative authority in matters of trade has, however, been hitherto allowed with such liberal indulgence to the Colonists that the respective Provincial Legislatures have been permitted to adopt in that respect such course as they could agree upon not being adverse to the national laws.

During more than twenty years the most perfect harmony subsisted between the Provinces on the subject of Revenue from the receipt of Customs at the Port of Quebec; and this harmony was sustained by occasional consultation and agreement.

By the last Provisional Agreement between the two Provinces, in 1817, Upper Canada was entitled to receive one-fifth of the duties levied at the Port of Quebec; exclusive of the expense of collection; but the term was limited to the 1st day of July, 1819; and no provision was made for the payment of this proportion in the event of the annual Legislative Session of Lower Canada being interrupted.

This event occurred, and the adjusted revenue of this Province was withheld for a part of the period agreed to and from the same cause all proceedings towards the renewal of any agreement were postponed until the last year.

Large arrearages are moreover due to this Province under the express terms of agreements ratified by both branches of the Legislature, for which applications have for several years past been made to the Province of Lower Canada without success.

The difficulties experienced by this Province from the detention of its revenue impelled us during our last session earnestly to implore the interposition of Your Majesty but a sufficient time has not elapsed to permit of our receiving a signification of Your Royal pleasure.

Since our prayer was addressed to Your Majesty's Commissioners on the part of both Provinces have been named as usual, and have met during the last summer, but could not agree upon any reasonable terms of accommodation for the future.

In the meantime this Province is without revenue from its principal source, the duties on foreign imports, and our internal revenue being altogether inadequate even to the ordinary and necessary charges of the Public Service, the Executive Government is embarrassed, the public creditors are delayed, all means of advancing works of general utility withheld, and it has at last become necessary to borrow on the credit of the Province a sum which the receipt of this revenue only can enable it to redeem, in order to pay the pensions which Upper Canada has extended out of her limited means to those who were wounded in maintaining the cause of Your Majesty's Empire in a National War.

Under these circumstances of accumulating difficulties we feel it to be the first duty we owe to Your Majesty's subjects in this Province to unite again in an humble and earnest appeal to Your Majesty; and in the beginning of this Session resolutions were entered into and a Joint Committee of both Houses was formed for the express purpose of taking into consideration the present situation of this Province in regard to its financial relations with Your Majesty's Province of Lower Canada. That Committee have agreed to a report which with the resolutions it refers to we humbly beg leave to lay before Your Majesty.

Our Humble petition, May it please Your Majesty, now is that Your Majesty would be graciously pleased to recommend to Your Imperial Parliament to assume the entire and exclusive control of all imports and exports in and from the Port of Quebec, or to make such other enactments for securing to each Province its rights as Your Majesty by the advice of your Imperial Parliament shall deem expedient.

That it would make provision for ascertaining and securing the payment to Upper Canada of such arrearages as are due from the Lower Province under the terms of agreements formally ratified.

We beg leave to renew our humble assurances of our entire devotion to Your Majesty's person and Government, and to express our perfect confidence in the wisdom and justice of the Imperial Parliament to provide us at the gracious recommendation of Your Majesty a just remedy for the past, and to secure to us the enjoyment of our future rights.

Legislative Council Chamber, 8th January, 1822.

(Signed) WM. DUMMER POWELL, Speaker.

Commons House of Assembly, 8th January, 1822.

(Signed) LEVIUS P. SHERWOOD, Speaker.

To His Excellency Sir Peregrine Maitland, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, and Major General commanding His Majesty's forces therein, &c., &c., &c.

May it please Your Excellency,—The Legislative Council and House of Assembly in Provincial Parliament assembled have concurred in a report with certain documents annexed thereto and agreed on a Joint Address to His Majesty, praying that Our Most Gracious Sovereign, in consideration of the difficulties which have occurred in adjusting our financial relations with Lower Canada, would be

pleased to recommend to the Imperial Parliament to adopt such measures for ascertaining and confirming our just claims as they in their wisdom may devise.

They therefore intreat that Your Excellency will be pleased to cause their Address to His Majesty, Report and proceedings to be laid at the foot of the Throne.

Legislative Council Chamber, 8th January, 1822.

(Signed) W. D. POWELL, Speaker.

Commons House of Assembly, 8th January, 1822.

(Signed) LEVIUS P. SHERWOOD, Speaker.

To His Excellency Sir Peregrine Maitland, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding His Majesty's Forces therein, &c., &c., &c.

May it please Your Excellency,—The Legislative Council and House of Assembly in Provincial Parliament assembled have concurred in a report and in an Address to His Majesty respecting our financial relations with the Province of Lower Canada, and as matters stated in the Report and also the prayer of the Address relate to the Acts, and may affect the interest of that Province, we herewith lay before Your Excellency a copy of the same, and humbly pray Your Excellency to take the earliest opportunity of transmitting them to the Governor of Lower Canada for the information of the Legislature of that Province.

Legislative Council Chamber, 8th January, 1822.

(Signed) W. D. POWELL, Speaker.

Commons House of Assembly, 8th January, 1822.

(Signed) LEVIUS P. SHERWOOD, Speaker.

To which His Excellency was pleased to make the following answers:

Honorable Gentlemen of the Legislative Council and Gentlemen of the House of Assembly:

You may rest assured that no step shall be omitted on my part to ensure the possibility that your Joint Address to His Majesty, and the Report and other documents accompanying it, may be submitted to the gracious consideration of our Sovereign at the earliest occasion.

Honorable Gentlemen of the Legislative Council and Gentlemen of the House of Assembly: I shall have great pleasure in giving effect to a measure so candid and honorable as that which you have proposed, by transmitting to the Governor of Lower Canada for the information of the Legislature of that Province a copy of your report and of your Joint Address to His Majesty.

The Speaker, Members and Officers having returned to the Council Chamber, the House formed.

The Speaker informed the House that he had a copy of His Excellency's answers to the several addresses to himself; which he read, and they were again read by the Clerk.

Pursuant to the order of the day, the Bill intituled "An Act to render ineligible to a seat in the Commons House of Assembly of this Province certain descriptions of persons therein mentioned," was read a second time, and the House resolved itself into a Committee of the Whole, to take the same into consideration. House in Committee, Mr. Markland in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Bill into consideration, and requested that a conference be requested with the Commons House of Assembly on the subject matter thereof. Ordered that the report be accepted, and a message in the following words being signed by the Speaker, was by the Master-in-Chancery carried down and delivered to the Commons House of Assembly.

Mr. Speaker,—The Honorable the Legislative Council request a conference with the Commons House of Assembly on the subject matter of the Bill sent up from that House, intituled “An Act to render ineligible to a seat in the Commons House of Assembly of this Province certain descriptions of persons therein mentioned.”

The Legislative Council have appointed for that purpose a Committee of two members who will be ready to meet the Committee of the Commons House of Assembly in the Joint Committee Room at ten o'clock this day.

(Signed) WM. DUMMER POWELL, Speaker.

Legislative Council Chamber, 11th January, 1822.

And Messrs. Strachan and Markland were appointed a Committee for that purpose.

Pursuant to the order of the day, the Bill intituled “An Act for granting to His Majesty, His Heirs and Successors a revenue in aid of the fund established for the erection and repairing of Lighthouses, and to relieve the coasting vessels of His Majesty’s Subjects from Port ———, charges on entering and clearing out of the Ports of this Province,” was read a second time; and the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee, Mr Strachan in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Bill into consideration; had made some progress therein; and requested leave to sit again. Ordered that the report be accepted, and leave given accordingly.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up and returned the Joint Address to His Excellency the Lieutenant Governor, on the subject of the appointment of a Commissioner to lay at the foot of the Throne the Joint Address of both Houses to His Majesty, respecting the financial relations of this Province with Lower Canada; in which that House had concurred.

A message in the following words, being signed by the Speaker; was by the Master-in-Chancery carried down and delivered to the Commons House of Assembly:

Mr. Speaker: The Honorable the Legislative Council has appointed two of its members to wait upon His Excellency the Lieutenant Governor, to know when he will be pleased to receive the Joint Address of both Houses upon the subject of the appointment of a Commissioner to lay at the foot of the Throne the Joint Address of both Houses to His Majesty respecting the financial relations of this Province with Lower Canada.

(Signed) W. D. POWELL, Speaker.

Legislative Council Chamber, 11th January, 1822.

Messrs. Wells and Markland were appointed a Committee for that purpose.

The Committee appointed to confer with the Committee of the Commons House of Assembly on the subject matter of the Bill intituled “An Act to render ineligible to a seat in the Commons House of Assembly of this Province certain descriptions of persons therein mentioned,” reported that they had done so.

On motion made and seconded, the House resolved itself into a Committee of the Whole, to take into further consideration the Bill intituled "An Act to render ineligible to a seat in the Commons House of Assembly of this Province, certain descriptions of persons therein mentioned." House in Committee, Mr. Markland in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Bill into further consideration, and had made some amendments thereto; which they recommended to the adoption of the House. Ordered that the report be accepted.

The amendments were read, and on motion made and seconded ordered to be engrossed, and the Bill as amended read a third time to-morrow.

Pursuant to the order of the day, the Bill intituled "An Act to prohibit the sale of Spirituous Liquors to Indians within the organized counties or townships within this Province," was read a second time; and the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee, Mr Baby in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Bill into consideration; and had made some amendments thereto, which they recommended to the adoption of the House. Ordered that the report be accepted.

On motion made and seconded, the amendments were read, and ordered to be engrossed, and the Bill as amended read a third time to-morrow.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into further consideration the Bill intituled "An Act to incorporate certain persons under the style and title of the President, Directors and Company of the Bank of Kingston." House in Committee, Mr. Wells in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Bill into consideration; had made some further progress therein, and requested leave to sit again. Ordered that the report be accepted, and leave given accordingly.

On motion made and seconded, the House resolved itself into a Committee of the Whole, to take into further consideration the Bill intituled "An Act to repeal certain parts of an Act passed in the forty-third year of the reign of His late Majesty George the Third, intituled 'An Act to explain and amend an Act passed in the forty-first year of His Majesty's reign, intituled an Act for granting to His Majesty, His Heirs and Successors, to and for the uses of this Province, the like duties on goods and merchandise brought into this Province from the United States of America as are now charged on goods and merchandise imported from Great Britain and other places, and to provide more effectually for the collection and payment of duties on goods and merchandise coming from the United States of America into this Province,' and also to establish a fund for the erection and repairing of lighthouses, and to extend the provisions of the several laws now in force regulating the collection of duties on imports into this Province." House in Committee, Mr. Wells in the Chair.

The Chairman reported that the Committee had taken the Bill into further consideration; had made some further progress therein, and requested leave to sit again. Ordered that the report be accepted, and leave given.

On motion made and seconded, the House adjourned until to-morrow at ten o'clock, a.m.

Saturday, 12th January, 1822.

The House met pursuant to adjournment. Present: The Hon. Wm. D. Powell, Speaker; James Baby, John McGill, Thomas Scott, John Strachan, Joseph Wells, Duncan Cameron and George H. Markland. Prayers were read.

Pursuant to the order of the day, the Bill intituled "An Act to render ineligible to a seat in the Commons House of Assembly of this Province certain descriptions of persons therein mentioned," was read a third time as amended, and the question if it do now pass being put was carried in the affirmative. Whereupon the Speaker signed the amendments, and they were, with the Bill, carried down by the Master in Chancery to the Commons House of Assembly.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into further consideration the Bill intituled "An Act to prohibit the sale of spirituous liquors to Indians, within the organized counties or townships of this Province." House in Committee, Mr. Baby in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Bill into further consideration, and had made some amendments thereto which they recommended to the adoption of the House. Ordered that the report be accepted.

On motion made and seconded, the amendments were read, ordered to be engrossed, and the Bill as amended read a third time this day.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into further consideration the Bill intituled, "An Act to repeal certain parts of an Act passed in the forty-third year of the reign of His late Majesty George the Third, intituled 'An Act to explain and amend an Act passed in the forty-first year of His Majesty's reign, intituled An Act for granting to His Majesty, His Heirs and Successors, to and for the uses of this Province, the like duties on goods and merchandise brought into this Province from the United States of America as are now paid on goods and merchandise imported from Great Britain and other places; and to provide more effectually for the collection and payment of duties on goods and merchandise coming from the United States of America into this Province,' and also to establish a fund for the erection and repairing of lighthouses; and to extend the provisions of the several laws now in force regulating the collection of duties on imports into this Province."

House in Committee, Mr. Wells in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Bill into further consideration, and had made some amendments thereto; which they recommended to the adoption of the House.

Ordered that the report be accepted, and on motion made and seconded, the amendments were read, ordered to be engrossed, and the Bill as amended read a third time on Monday next.

The Committee appointed to wait upon His Excellency the Lieutenant Governor, to know when he would be pleased to receive the Joint Address respecting the appointment of a Commissioner to lay at the foot of the Throne the Joint Address of both Houses to His Majesty respecting the financial relations of this Province and Lower Canada, reported that they had done so; and that His Excellency had appointed Monday next at twelve o'clock for that purpose.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into further consideration the Bill intituled, "An Act to amend and extend the provisions of an Act passed in the second year of His Majesty's

reign, intituled 'An Act to repeal an Act passed in the first year of His Majesty's reign, intituled "An Act to regulate the commercial intercourse between this Province and the United States of America, by land and inland navigation, and further to regulate the trade between this Province and the United States of America by land and inland navigation."'"

House in Committee, Mr. Markland in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Bill into consideration; had made some further progress therein, and requested leave to sit again this day three months. Ordered that the report be accepted, and leave given accordingly.

On motion made and seconded, ordered that the House do resolve itself into a Committee of the Whole to take into further consideration the Bill intituled, "An Act to provide for the appointment of Guardians," on this day three months.

A deputation from the Commons House of Assembly being announced it was admitted, and brought up and delivered at the Bar of this House a message in the following words:

Mr. Speaker: The Commons House of Assembly have concurred in the amendments made by the Honorable the Legislative Council in and to the Bill intituled, "An Act to render ineligible to a seat in the Commons House of Assembly of this Province certain descriptions of persons therein mentioned."

Commons House of Assembly,

12th January, 1822.

(Signed) LEVIUS P. SHERWOOD, Speaker.

The deputation having withdrawn, the said message was read.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled, "An Act for the relief of Peter Miller." The deputation having withdrawn, the said Bill was read a first time.

On motion made and seconded, the House adjourned until Monday next, at 12 o'clock.

Monday, 14th January, 1822.

The House met pursuant to adjournment.

Present: The Hons. Wm. D. Powell, Speaker; James Baby, John McGill, Thos. Scott, John Strachan, Joseph Wells, Duncan Cameron and George H. Markland.

Prayers were read.

The Committee appointed to wait upon His Excellency the Lieutenant Governor, with the Joint Address of Both Houses, respecting the appointment of a Commissioner to lay at the foot of the Throne the Joint Address of both Houses respecting the financial relations of this Province with Lower Canada, reported that they had presented the same as follows:—

To His Excellency Sir Peregrine Maitland, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding His Majesty's Forces therein, etc.

May it please Your Excellency: The Legislative Council and House of Assembly, while concurring in a report and in an Address to our Gracious Sovereign on the subject of our financial relations with Lower Canada, have also united in a desire that on an occasion of such vast importance to the interests of this Province,

some person of talent and consideration may be appointed to lay their Address at the foot of the Throne.

The Legislative Council and House of Assembly, while they disclaim all desire of interfering with an appointment which by their joint resolution rests solely with Your Excellency, and upon the fullest confidence in Your Excellency's wisdom to select a person duly qualified for this important mission, on considering the magnitude of the object, have agreed in opinion from their experience of the extensive information of His Majesty's Attorney General on the affairs of this Province, that the duties suggested by the report will be fulfilled by him in a manner most conducive to the attainment of the important end which they have in view.

Legislative Council Chamber,

9th January, 1822.

(Signed) WM. DUMMER POWELL, Speaker.

Commons House of Assembly,

10th January, 1822.

(Signed) LEVIUS P. SHERWOOD, Speaker.

To which His Excellency had been pleased to make the following reply:—

Honorable Gentlemen of the Legislative Council and Gentlemen of the House of Assembly: As I entirely concur with you in opinion that from the extensive information of His Majesty's Attorney General on the affairs of this Province, the duties suggested by your report will be fulfilled by him in a manner most conducive to the attainment of the important end which you have in view, I am happy on an occasion of so much interest to the country to be enabled to accede to the wish expressed in your address.

Pursuant to the order of the day, the Bill intituled, "An Act to prohibit the sale of spirituous liquors to Indians within the organized counties or townships of this Province," was read a third time as amended, and the question if it do now pass being put was carried in the affirmative; whereupon the Speaker signed the same; and it was by the Master-in-Chancery carried down and returned to the Commons House of Assembly.

On motion made and seconded, the Bill intituled "An Act to repeal certain parts of an Act passed in the forty-third year of the reign of His late Majesty George the Third, intituled 'An Act to explain and amend an Act passed in the forty-first year of His Majesty's reign, intituled An Act for granting to His Majesty, His Heirs and Successors, to and for the uses of this Province, the like duties on goods and merchandise brought into this Province from the United States of America as are now charged on goods and merchandise imported from Great Britain and other places; and to provide more effectually for the collection and payment of duties on goods and merchandise coming from the United States of America into this Province, and also to establish a fund for the erection and repairing of lighthouses,' and to extend the provisions of the several laws now in force regulating the collection of duties on imports into this Province," was recommitted.

House in Committee, Mr. Wells in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some further amendments to the Bill, which they recommended to the adoption of the House.

Ordered that the report be accepted, and on motion made and seconded, the amendments were read, ordered to be engrossed, and the Bill as amended read a third time this day.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled, "An Act to authorize the appointment of a Commissioner for the purposes therein mentioned."

The deputation having withdrawn, the Bill was read a first time; and on motion made and seconded, ordered that the 44th rule of this House be dispensed with; and the Bill read a second time this day.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled "An Act to authorize His Majesty's Justices of the Peace for the Midland District, to obtain by loan a sum of money for the purpose of erecting a Gaol and Court House in the Town of Kingston."

The deputation having withdrawn, the Bill was read a first time, and on motion made and seconded, ordered to be read a second time this day.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled, "An Act to repeal part of and amend the laws now in force for the raising and training the Militia of this Province."

The deputation having withdrawn, the Bill was read a first time, and on motion made and seconded, ordered to be read a second time this day.

Pursuant to order, the Bill intituled, "An Act to authorize His Majesty's Justices of the Peace for the Midland District to obtain by loan a sum of money for the purpose of erecting a Gaol and Court House in the Town of Kingston," was read a second time, and the House resolved itself into a Committee of the Whole to take the same into consideration.

House in Committee, Mr. Baby in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill, and recommended it to the adoption of the House.

Ordered that the report be accepted, and on motion made and seconded, that the Bill be read a third time to-morrow.

Pursuant to order, the Bill intituled, "An Act to authorize the appointment of a Commissioner for the purposes therein mentioned," was read a second time; and the House resolved itself into a Committee of the Whole to take the same into consideration.

House in Committee, Mr. McGill in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill, and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded, that the Bill be read a third time to-morrow.

Pursuant to order, the Bill intituled "An Act to repeal certain parts of an Act passed in the forty-third year of his late Majesty King George the Third, intituled 'An Act to explain and amend an Act passed in the forty-first year of His Majesty's reign, intituled an Act for granting to His Majesty, His Heirs and Successors, to and for the uses of this Province, the like duties on goods and merchandise brought into this Province from the United States of America as are now paid on goods and merchandise imported from Great Britain and other places; and to provide more effectually for the collection and payment of duties on goods and merchandise coming from the United States of America into this Province,' and also to establish a fund for the erection and repairing of lighthouses,' and to extend the provisions of the several laws now in force regulating the collection of

duties on imports into this Province," was read a third time as amended; and the question if it do now pass being put, it was carried in the affirmative.

Whereupon the Speaker signed the amendments, and they were, with the Bill, carried down by the Master-in-Chancery to the House of Assembly.

Pursuant to order, the Bill intituled, "An Act to repeal part of and to amend the laws now in force for the raising and training the Militia of this Province," was read a second time; and the House resolved itself into a Committee of the Whole to take the same into consideration.

House in Committee, Mr. Strachan in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Bill into consideration, had made some progress therein, and requested leave to sit again this day. Ordered that the report be accepted, and leave given accordingly.

On motion made and seconded, the House adjourned until seven o'clock, p.m.

The House formed, and,

On motion made and seconded, resolved itself into a Committee of the Whole to take into further consideration the Bill intituled, "An Act to repeal part of and amend the laws now in force for the raising and training the Militia of this Province."

House in Committee, Mr. Strachan in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Bill into further consideration; had made some further progress therein, and requested leave to sit again. Ordered that the report be accepted, and leave given accordingly.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled "An Act to repeal the laws now in force making provision for the office of Adjutant General of Militia of this Province, and to make more adequate provision for the said Office."

The deputation having withdrawn, the Bill was read a first time, and on motion made and seconded, ordered to be read a second time to-morrow.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled, "An Act to alter the name of the Town of York to that of Toronto."

The deputation having withdrawn, the Bill was read a first time.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled, "An Act granting to His Majesty a sum of money for the purpose of purchasing and erecting machinery within this Province to prepare hemp for exportation."

The deputation having withdrawn, the Bill was read a first time, and on motion made and seconded, ordered to be read a second time to-morrow.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled, "An Act to enable persons who have preferred claims to or out of certain forfeited estates in this Province to withdraw the same.

The deputation having withdrawn, the Bill was read a first time, and on motion made and seconded ordered to be read a second time to-morrow.

On motion made and seconded, the House adjourned until to-morrow at 11 o'clock, a.m.

Tuesday, 15th January, 1822.

The House met pursuant to adjournment.

Present: The Hons. Wm. D. Powell, Speaker; James Baby, John McGill, Thomas Scott, John Strachan, Joseph Wells, Duncan Cameron and George H. Markland.

Prayers were read.

The Speaker informed the House he had received a letter from the Attorney General. On motion made and seconded, the letter was read as follows:—

York, January 24th, 1822.

Sir:—His Excellency the Lieutenant Governor having been pleased to accede to the wish of the Legislative Council and House of Assembly, expressed in their joint address, in which they have done me the honor to recommend me to His Excellency as the person whose appointment to the Office of Commissioner for presenting to His Majesty the Joint Address and Report respecting the commercial relations between Upper and Lower Canada, would in their opinion be most conducive to the interests of this Province: I should not do justice to my own feelings if I delayed any longer to express the high value I place upon this expression of confidence of the two Branches of the Legislature, which has received the further sanction of His Excellency the Lieutenant Governor, and to declare at the same time that I have too just a sense of the responsibility of the duties which the appointment must impose upon me to be in any manner desirous of engaging in them.

It would ill become me, however, as a Servant of His Majesty, or an Inhabitant of this Province, to hesitate from reasons of personal interest or convenience to decline any Public Duty, however arduous, which His Excellency the Lieutenant Governor may choose to confide in me; and in the present instance I cannot but feel that the manner in which I am called upon diminishes the weight of a responsibility which no consideration could induce me to solicit.

I have the Honor to be, Sir,

Your most obedient humble servant,

(Signed) JNO. B. ROBINSON.

Pursuant to the order of the day, the Bill intituled, "An Act to authorize the appointment of a Commissioner for the purposes therein mentioned," was read a third time; and after the Speaker had informed the House of his dissent to the Bill the question if it do now pass was put and carried in the affirmative; whereupon the Speaker signed the same.

Pursuant to the order of the day, the Bill intituled, "An Act to authorize His Majesty's Justices of the Peace for the Midland District to obtain by loan a sum of money for the purpose of erecting a Gaol and Court House in the Town of Kingston," was read a third time; and the question if it do now pass being put was carried in the affirmative.

Whereupon the Speaker signed the same, and the Bills were by the Master-in-Chancery carried down and returned to the Commons House of Assembly.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled "An Act to authorize the Surveyor General of this Province to receive the like sum for

all original schedules of new townships furnished or to be furnished since the first day of July, one thousand eight hundred and twenty as he is authorized to receive by law for such schedule furnished before that period," and a Bill intituled;

"An Act granting to His Majesty a sum of money to provide for the appointment of a Commissioner for the purposes therein mentioned," and also a Bill intituled;

"An Act granting to His Majesty a sum of money in aid of the funds for defraying the expenses of the Administration of Justice and support of the Civil Government of this Province."

The deputation having withdrawn, the said Bills were read a first time, and on motion made and seconded, ordered that the 44th rule of this House be dispensed with during the remainder of the present Session, and the Bills read a second time this day.

Pursuant to the order of the day, the Bill intituled, "An Act to repeal part of and to amend the laws now in force for the raising and training the Militia of this Province," was recommitted.

House in Committee, Mr. Strachan in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Bill into consideration; and requested leave to sit again this day. Ordered that the report be accepted, and leave given accordingly.

Pursuant to order, the Bill intituled, "An Act to repeal the laws now in force for making provision for the office of Adjutant General of the Militia of this Province, and to make more adequate provision for the said office," was read a second time, and on motion made and seconded, the House resolved itself into a Committee of the Whole to take the same into consideration.

House in Committee, Mr. Wells in the Chair.

The Speaker resumed the Chair.

The Chairman reported that the Committee had gone through the Bill, and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded the Bill was ordered to be read a third time this day.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled, "An Act requiring the publication of the expenditure of moneys raised under any law establishing a Police in any town or towns in this Province."

The deputation having withdrawn, the Bill was read a first time, and on motion made and seconded, ordered to be read a second time this day.

Pursuant to the order of the day, the Bill intituled, "An Act granting to His Majesty a sum of money, for the purpose of erecting machinery within this Province to prepare hemp for exportation," was read a second time, and the House resolved itself into a Committee of the Whole to take the same into consideration.

House in Committee, Mr. Cameron in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill, and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that the Bill be read a third time this day.

Pursuant to the order of the day, the Bill intituled, "An Act to enable persons who have preferred claims to or out of certain forfeited estates in this Province to withdraw the same," was read a second time; and on motion made and seconded, the House resolved itself into a Committee of the whole to take the same into consideration.

House in Committee, Mr. Markland in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Bill into consideration, and recommended it to the adoption of the House. Ordered that the report be accepted; and on motion made and seconded, the Bill was ordered to be read a third time this day.

Pursuant to the order of the day, the Bill intituled, "An Act to authorize the Surveyor General of this Province to receive the like sum for all original schedules of new townships furnished or to be furnished from the first day of July one thousand eight hundred and twenty, as he is authorized to receive by law for such schedules furnished before that period," was read a second time; and the House resolved itself into a Committee of the Whole to take the same into consideration.

House in Committee, Mr. Baby in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the said Bill, and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded, it was ordered that the Bill be read a third time this day.

Pursuant to the order of the day, the Bill intituled, "An Act granting to His Majesty a sum of money to provide for the appointment of a Commissioner for the purposes therein mentioned," was read a second time; and on motion made and seconded, the House resolved itself into a Committee of the whole to take the same into consideration.

House in Committee, Mr. McGill in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the said Bill, and recommended it to the adoption of the House. Ordered that the report be accepted, and, on motion made and seconded, that the Bill be read a third time this day.

Pursuant to the order of the day, the Bill intituled, "An Act granting to His Majesty a sum of money in aid of the funds for defraying the expenses of the Administration of Justice and support of the Civil Government of this Province," was read a second time and on motion made and seconded, the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Strachan in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the said Bill, and recommended it to the adoption of the House. Ordered that the report be accepted, and, on motion made and seconded, that the Bill be read a third time this day.

Pursuant to the order of the day, the Bill intituled, "An Act requiring the publication of the expenditure of moneys raised under any law establishing a Police in any town or towns in this Province," was read a second time, and the House resolved itself into a Committee of the Whole, to take the same into consideration. House in Committee. Mr. Wells in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill, and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded, that the Bill be read a third time this day.

On motion made and seconded, the House resolved itself into a Committee of the Whole, to take into further consideration the Bill intituled, "An Act for the relief of Peter Miller." House in Committee. Mr. Cameron in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill, and recommended it to the adoption of the House.

Ordered that the report be accepted, and on motion made and seconded, that the Bill be read a third time to-morrow.

On motion made and seconded, the Bill intituled, "An Act to alter the name of the town of York to that of Toronto," was read a second time; and on motion made and seconded, the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Markland in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Bill into consideration, and had made some progress therein. Ordered that the report be accepted.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole, to take into further consideration the Bill intituled, "An Act to repeal part of and to amend the laws now in force for the raising and training the Militia of this Province." House in Committee. Mr. Strachan in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some further progress in the Bill, and requested leave to sit again. Ordered that the report be accepted, and leave given accordingly.

On motion made and seconded, the House adjourned until seven o'clock, p.m.

The House formed.

Pursuant to the order of the day, the Bill intituled, "An Act granting to His Majesty a sum of money to provide for the appointment of a Commissioner for the purposes therein mentioned," was read a third time; and after the Speaker informed the House that he dissented to the Bill, the question if it do now pass being put was carried in the affirmative; whereupon the Speaker signed the same.

Pursuant to the order of the day, the Bill intituled, "An Act granting to His Majesty a sum of money for the purpose of purchasing and erecting machinery within this Province to prepare hemp for exportation," was read a third time; and the question if it do now pass being put, was carried in the affirmative, whereupon the Speaker signed the same.

Pursuant to the order of the day, the Bill intituled, "An Act to enable persons who have preferred claims to or out of forfeited estates in this Province to withdraw the same," was read a third time, and the question if it do now pass being put was carried in the affirmative; whereupon the Speaker signed the same.

Pursuant to the order of the day, the Bill intituled, "An Act to authorize the Surveyor General of this Province to receive the like sum for all original schedules of new townships furnished or to be furnished since the first day of July one thousand eight hundred and twenty, as he is authorized to receive by law for such schedules furnished before that period," was read a third time, and the question if it do now pass being put, was carried in the affirmative, whereupon the Speaker signed the same.

On motion made and seconded, the House adjourned until to-morrow at 11 o'clock.

Wednesday, 16th January, 1822.

The House met pursuant to adjournment. Present: The Hons. Wm. D. Powell, Speaker; James Baby, John McGill, Thomas Scott, John Strachan, Joseph Wells, Duncan Cameron and George H. Markland. Prayers were read.

Pursuant to the order of the day, the Bill intituled "An Act for the relief of Peter Miller" was read a third time; and the question if it do now pass being put, was carried in the affirmative; whereupon the Speaker signed the same, and it was by the Master-in-Chancery carried down and returned to the House of Assembly.

On motion made and seconded, ordered that what remains of the order of the day be discharged; and the House do now resolve itself into a Committee of the Whole to take into further consideration the Bill intituled "An Act granting to His Majesty a sum of money in aid of the funds for defraying the expenses of the Administration of Justice and Support of the Civil Government of this Province." House in Committee. Mr. Strachan in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said Bill into further consideration; had made some further progress therein, and recommended that a conference be requested with the Commons House of Assembly on the subject matter thereof. Ordered that the report be accepted, and Messrs. Baby, McGill and Strachan were appointed a Committee for that purpose.

A message in the following words, being signed by the Speaker, was by the Master-in-Chancery carried down and delivered to the Commons House of Assembly:

Mr. Speaker: The Honorable the Legislative Council request a conference with the Commons House of Assembly on the subject matter of the last clause of the Bill sent up from that House, intituled "An Act granting to His Majesty a sum of money in aid of the funds for defraying the expenses of the Administration of Justice and the support of the Civil Government of this Province."

The Legislative Council have appointed a Committee of three of its members, who will be ready to meet the Committee of the Commons House of Assembly for that purpose in the Joint Committee Room.

(Signed) WM. D. POWELL, Speaker.

Legislative Council Chamber,
16th January, 1822.

On motion made and seconded, the House resolved itself into a Committee of the Whole, to take into further consideration the Bill intituled "An Act requiring the publication of the Expenditure of moneys raised under any law establishing a Police in any town or towns in this Province." House in Committee. Mr. Wells in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Bill into consideration, and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded, that the Bill be read a third time this day.

The Committee of Conference delivered the following report:

Your Committee of Conference met the Committee from the House of Assembly, and stated that this Honorable House required an elucidation of the last clause of the Bill intituled, "An Act granting to His Majesty a sum of money in aid of the funds for defraying the expenses of the Administration of Justice and support of the Civil Government of this Province," and the reason why an alteration appeared in that clause, different from the similar clause in the Bill of supply for last year.

The Conferees from the Assembly stated that they would report the communication to their House.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into further consideration the Bill intituled "An Act to repeal part of and amend the laws now in force for the raising and training the Militia of this Province." House in Committee. Mr. Strachan in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Bill into consideration, and had made some amendments thereto, which they recommended to the adoption of the House. Ordered that the report be accepted.

On motion made and seconded, the amendments were ordered to be read a third time this day.

Pursuant to order, the Bill intituled "An Act requiring the publication of the expenditure of moneys raised under any law establishing a Police in any town or towns in this Province" was read a third time; and the question if it do now pass being put, was carried in the affirmative; whereupon the Speaker signed the same.

Pursuant to the order of the day, the Bill intituled, "An Act to repeal part of and amend the laws now in force for the raising and training the Militia of this Province," was read a third time as amended; and after Mr. Baby had declared his dissent to the Bill, the question was put if it do now pass, and carried in the affirmative. Whereupon the Speaker signed the amendments, and the Bills were by the Master-in-Chancery carried down to the Commons House of Assembly.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled "An Act to grant to His Majesty a certain sum of money for the purposes therein mentioned."

The deputation having withdrawn, the Bill was read a first time; and on motion made and seconded, ordered to be read a second time this day.

On motion made and seconded, the House adjourned until seven o'clock p.m. The House formed.

Pursuant to the order of the day, the Bill intituled "An Act to grant to His Majesty a certain sum of money for the purposes therein mentioned," was read a second time, and the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Markland in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill, and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded, the Bill was read a third time, and the question being put if it do now pass, was carried in the affirmative; whereupon the Speaker signed the same, and it was by the Master-in-Chancery carried down and delivered to the Commons House of Assembly.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up and delivered at the Bar of this House a message in the following words:

Mr. Speaker: The Commons House of Assembly has concurred in the amendments made by the Honorable the Legislative Council in and to the Bill intituled, "An Act to repeal part of and to amend the laws now in force for the raising and training the Militia of this Province."

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly,
16th January, 1822.

Mr. Strachan gave notice that at an early day of the next Session of Parliament he would prepare certain resolutions for the consideration of this Honorable House to prevent such an undue accumulation of business at the termination of the Session of Parliament as has occurred at the close of the present Session.

On motion made and seconded, the House adjourned until to-morrow at one o'clock p.m.

Thursday, 17th January, 1822.

The House met pursuant to adjournment. Present: The Hons. Wm. D. Powell, Speaker; James Baby, John McGill, Thos. Scott, John Strachan, Joseph Wells, Duncan Cameron and George H. Markland. Prayers were read.

At two o'clock His Excellency the Lieutenant Governor being come to the House and seated on the Throne, the Gentleman Usher of the Black Rod was ordered to direct the immediate attendance of the Speaker and House of Assembly at the Bar of this House; and they being come thereto, His Excellency was pleased in His Majesty's name to assent to the following Bills:

1. An Act to repeal part of and amend the laws now in force respecting the practice of His Majesty's Court of King's Bench in this Province.

2. An Act to repeal part of and to amend an Act passed in the thirty-seventh year of His late Majesty's reign, intituled "An Act for the better regulating the practice of the law," and to extend the provisions of the same.

3. An Act to repeal an Act passed in the fifty-sixth year of His late Majesty's reign, intituled "An Act for granting to His Majesty a sum of money to provide for the appointment of a Provincial Agent of this Province."

4. An Act to establish a market in the Town of Perth, in the County of Carleton.

5. An Act for assigning limits to the respective gaols within this Province.

6. An Act to reduce into one Act the several laws now in force establishing District Courts, and regulating the practice thereof; and also to extend the powers of the said District Courts.

7. An Act to repeal in part a certain part of an Act passed in the forty-third year of His late Majesty's reign, intituled "An Act to extend the provisions of an Act passed in the thirty-fourth year of His Majesty's reign, intituled 'An Act to restrain the custom of permitting horned cattle, horses, sheep and swine to run at large,' and further to enable the Magistrates in their respective Districts in this Province, in General Quarter Sessions assembled, to make such rules and regulations as may restrain swine running at large in the respective towns in this Province where a Police is or may hereafter be established by law.

8. An Act to appoint trustees to the will of William Weeks, late of York, Esquire, deceased, to carry into effect the provisions thereof.

9. An Act to establish the division line between the second and third concessions of the Township of Osnabruck in the Eastern District.

10. An Act to amend an Act passed in the fifty-ninth year of His late Majesty's reign, and promulgated by proclamation bearing date the twenty-first day of April, in the year of our Lord one thousand eight hundred and twenty-one, intituled "An Act to incorporate sundry persons under the style and title of the President, Directors and Company of the Bank of Upper Canada."

11. An Act to make further regulation respecting the weekly maintenance of Insolvent Debtors.

12. An Act to render ineligible to a seat in the Commons House of Assembly of this Province certain descriptions of persons therein mentioned.

13. An Act to authorize the appointment of a Commissioner for the purposes therein mentioned.

14. An Act to authorize His Majesty's Justices of the Peace for the Midland District to obtain by loan a sum of money for the purpose of erecting a Gaol and Courthouse in the Town of Kingston.

15. An Act to repeal part of and to amend the laws now in force for the raising and training the Militia of this Province.

16. An Act to enable persons who have preferred claims to or out of certain forfeited estates in this Province to withdraw the same.

17. An Act requiring the publication of the expenditure of moneys raised under any law establishing a Police in any town or towns in this Province.

18. An Act to make good certain moneys issued and advanced by His Excellency the Lieutenant Governor, in pursuance of an Address of the House of Assembly.

19. An Act to remunerate the Commissioners appointed to treat on behalf of this Province with the Commissioners of Lower Canada on the subject of our Commercial Relations with that Province.

20. An Act for the relief of John White.

21. An Act for the relief of John Chrysler, Esquire.

22. An Act to continue an Act passed in the forty-sixth year of His late Majesty's reign, intituled "An Act to make provision for certain Sheriffs in this Province," and a certain other Act of the Parliament of this Province passed in the fifty-seventh year of His late Majesty's reign, intituled, "An Act further to continue an Act passed in the forty-sixth year of His Majesty's reign, intituled 'An Act to make provision for certain Sheriffs in this Province,' and also to extend the provisions of the said Act, and to Protect the interest of suitors in certain cases."

23. An Act for the relief of Peter Miller.

24. An Act granting to His Majesty a sum of money for the purpose of purchasing and erecting machinery within this Province to prepare hemp for exportation.

25. An Act to authorize the Surveyor General of this Province to receive the like sum for all original schedules of new townships furnished or to be furnished since the first day of July, one thousand eight hundred and twenty, as he is authorized to receive by law for such schedules furnished before that period.

26. An Act granting to His Majesty a sum of money to provide for the appointment of a Commissioner for the purposes therein mentioned.

27. An Act to grant to His Majesty a certain sum of money for the purposes therein mentioned.

His Excellency was pleased to reserve the following Bills for the signification of His Majesty's pleasure thereon:

1. An Act to repeal the laws now in force granting poundage to the Receiver General of this Province, and to provide a salary for that Officer in lieu of such poundage.

An Act to repeal the laws now in force making provision for the Office of Adjutant General of Militia of this Province, and to make more adequate provision for the said Office.

After which His Excellency was pleased to address the Houses of the Provincial Legislature in the following words:

Honorable Gentlemen of the Legislative Council and Gentlemen of the House of Assembly: I cannot release you from your present attendance in Parliament without expressing my regret that the urgency of the public business has compelled me, notwithstanding your exertions, to continue this Session through a period of the year not usually occupied by the sitting of the Legislature.

The manifold mischiefs which threatened the Province in consequence of the suspension of receipt, which by the failure of an arrangement with the Sister Colony had been occasioned in the most important branch of our Revenue induced me at the opening of the Session to recommend this matter in an especial manner to your consideration; and I could not fail to observe with satisfaction that in your several proceedings which have been directed to the removal of this most important evil, you have manifested as well your regard to temper and moderation as to the expectations and proper interests of the country.

Gentlemen of the House of Assembly: I thank you in the name of His Majesty for the vote of supply which you have passed in aid of the funds for the support of the Civil Government.

The diligent and accurate investigation which you have doubtless applied to all matters connected with the public disbursements for that series of years, of which, in compliance with your Address, I caused the detailed accounts to be prepared and laid before you must, I trust, have made you fully sensible that although a proportionable addition in the duties of the Executive has necessarily kept pace with the extensive increase of population and organized territory that has so rapidly taken place within the period to which you have referred; yet the annual demand upon the revenue, except in some few and trivial instances, the receipt for which was manifest, has experienced no augmentation, while it has upon the whole been very considerably diminished. It is my anxious wish to keep the public expenditure within the most reasonable bounds; but I am sure you cannot but agree with me that to withdraw from the ordinary departments of the Public Service the means necessary to render them effective, or to deprive the Servants of His Majesty of their fair and long established remuneration, would be an economy neither profitable nor just.

Honorable Gentlemen and Gentlemen: The enactments you have made for securing the Province from foreign influence by disqualifying certain descriptions of persons from holding a seat in the House of Assembly; for improving the system and regulating the practice of the Courts of Justice; and for rendering the Militia more effective, are all measures important in their nature; and I have no doubt that experience will justify the expectations with which you framed them. That friendly intercourse between the two Houses of Parliament, by means of which the united result of some of your most useful labours has been preserved to benefit your country, must have convinced you in the most satisfactory manner how necessary is the prevalence of that spirit of harmony and good understanding to do full justice to the public service.

On my part, I shall always continue to be animated by a sincere desire to cultivate by all open and constitutional means a perfect confidence between me and the other branches of the Legislature, not only as a matter congenial with my own disposition, but as necessary for promoting to the utmost extent the true interests of the people, the most prominent of the duties prescribed to me by the gracious injunctions of my Sovereign.

The Honorable the Speaker of the Legislative Council then said:

It is His Excellency the Lieutenant Governor's will and pleasure that this Provincial Parliament be prorogued to be then here holden; and this Provincial Parliament is prorogued accordingly.

I certify the foregoing to be a correct transcript of the Minutes of the Proceedings of the Legislative Council, in the second Session of the eighth Provincial Parliament of Upper Canada.

(Signed) JNO. POWELL,
C. L. C.

Certified to be true copies from the records in the Colonial Office.

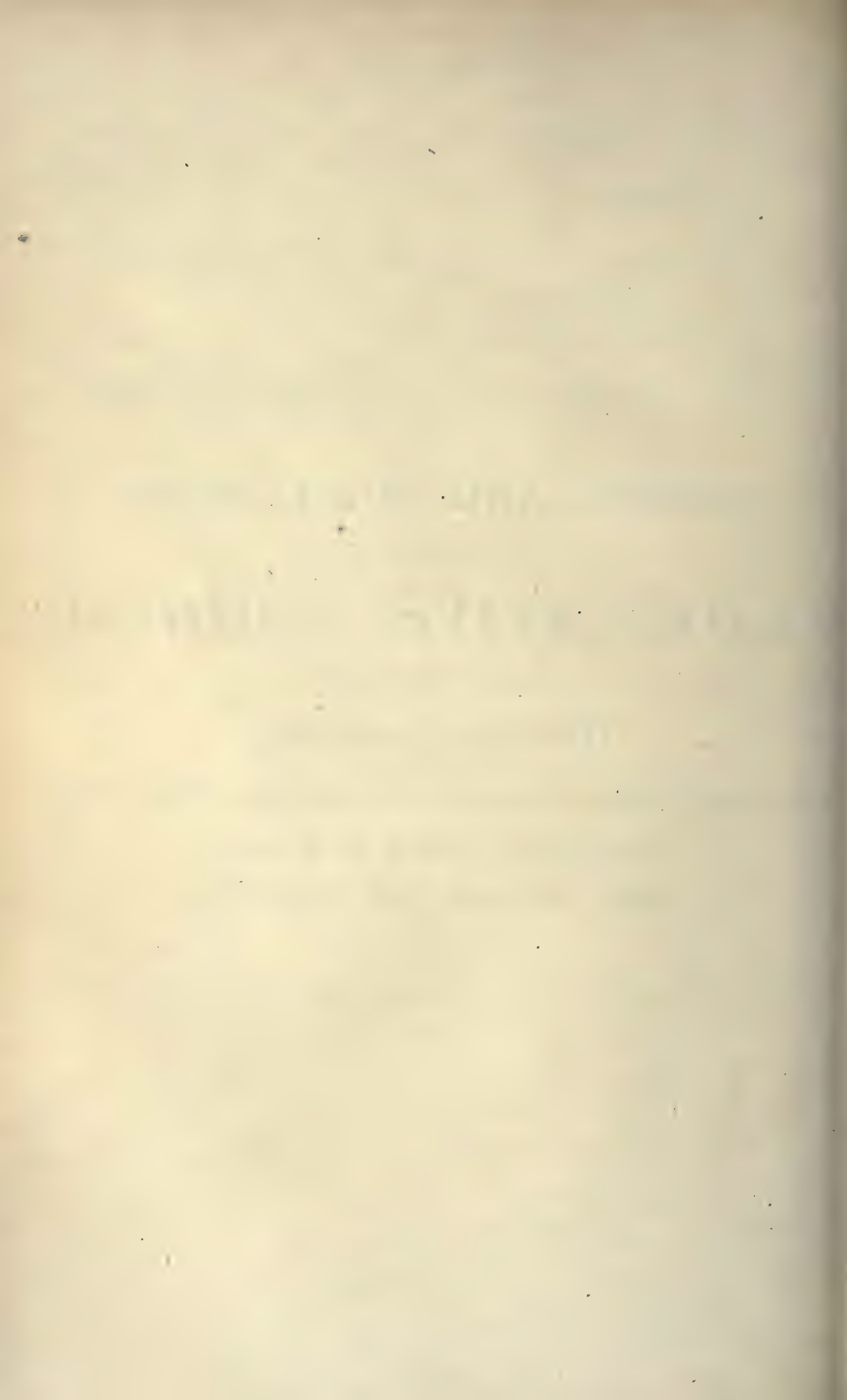
GEO. MAYER,
Librarian and Keeper of the Records.

Colonial Office, Downing Street,
25th February, 1858.

JOURNAL AND PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL
OF THE PROVINCE OF
UPPER CANADA

From the 15th day of January to the 19th day of March, 1823

In the Fourth Year of the Reign of
KING GEORGE THE FOURTH.



JOURNAL AND PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL
OF THE
PROVINCE OF UPPER CANADA
1823

YORK, 15th January, 1823.

The Provincial Legislature having been by proclamation prorogued to this day at two o'clock, the House met accordingly. Present: The Hons. William Dummer Powell (Speaker); John McGill, Thomas Scott, William Dickson, Thomas Clark, John Strachan, Joseph Wells, Duncan Cameron and George H. Markland.

At two o'clock, His Excellency the Lieutenant Governor having come to the Legislative Council Chamber and being seated on the Throne, the Gentleman Usher of the Black Rod was directed to command the attendance of the Speaker and members of the Commons House of Assembly at the Bar of this House; and they being come thereto, His Excellency was pleased to address both Houses of the Provincial Parliament in the following words:

Honorable Gentlemen of the Legislative Council and Gentlemen of the House of Assembly: In determining to assemble you at the latest period admitted of by the Constitution, I was influenced by the consideration of what seemed expedient for the public business, and I hoped by this arrangement to be enabled to lay before you the decision of the Arbitrators on the respective claims of the two Provinces in the course of the Session.

Your Address to your Sovereign in consequence of the interruption which the public revenue had suffered, and which in an early part of the recess I transmitted to His Majesty's Government by the Commissioner appointed for that purpose, has been received with that attention which His Majesty always bestows on the reasonable and temperate language of his people. Impressed with the extent of the evils which you represented, His Majesty not only sought the means of remedying them, but felt the necessity of preventing their return.

With this view comprehensive measures were suggested to the Parliament of the United Kingdom as were considered best calculated to remove all grounds for future jealousy and misunderstanding between the Sister Colonies, and most conducive to their good government and prosperity in their present circumstances and situation. For this purpose a Bill was under discussion in which it was thought proper to impart to you by means of an union of the two Legislatures, a just share in all Colonial deliberations affecting the interests of both countries. This important part of the projected Bill it has been thought expedient to reserve for reconsideration in a future session. But that we might not remain without the benefit of a speedy remedy for embarrassments which were pressing and increasing, the express objects of your address were considerably extricated from this delay to be made the subject of a special enactment in which you will find satisfactory provision for assuring to you that protection and security which you solicited.

The Commissioner appointed by me on this occasion in compliance with your joint recommendation, has acquitted himself entirely to my satisfaction.

A favorable reply to your address in behalf of the sufferers by the late war will be submitted to you, and the gracious scheme which has been proposed for your co-operation will doubtless engage your early attention.

Gentlemen of the House of Assembly: I have directed the proper officer to lay the usual accounts before you, and I trust you will make the necessary provision in aid of the Revenue collected under British Statutes to enable you to meet the exigencies of the public service, and for the honorable support of His Majesty's Government.

In obedience to the recent enactments of the Imperial Parliament one-fifth of the collection at the Port of Quebec since the expiration of the last Provincial Agreement has been received. Warrants have issued for the repayment of the advances which I had procured in order to carry on the public service, and the remaining sum has been carried to the proper accounts to be applied to the different objects of expenditure authorized by law.

By the accounts of the last three years, which have been transmitted from Quebec, there appears to have been a material defalcation in the amount of the collection at that port.

Our means, however, have been more than adequate to meet the different appropriations, but not for the redemption of our debentures.

By the transfer to the Provincial Bank of that proportion of the debt which became payable in the course of the last year a saving of one-half of the interest will be effected, and I am happy to notice the benefit which the country has thus derived from that institution.

Honorable Gentlemen and Gentlemen: The laws which will expire at the conclusion of this Session of the Legislature will not fail to engage your attention.

In considering the expediency of renewing the legal provisions affecting distilleries, you will I hope regard the occasion as favorable for endeavoring to check the immoderate and pernicious use of Spirituous Liquors, for which purpose, perhaps, some advantage might be derived from an increase in the existing duties.

In a country where temptations against the habit of sobriety are comparatively great, it will not appear invidious that I should have thought proper to recommend to your attention an object which has frequently occupied the attention of the Legislature of the Parent Country, and the Councils of other long-established and venerable States, and employed their repeated interference; and I am sure you will not be disposed to forget that you then give the strongest proof of your regard for the public welfare when you solicit the sanction of your Sovereign to laws judiciously calculated to preserve the health and amend the morals of the people.

The House of Assembly having withdrawn, His Excellency the Lieutenant Governor was pleased to retire.

Prayers were read.

The Honorable and Reverend Dr. Strachan informed the House that George Crookshank, Esquire, was in attendance with a Commission appointing him a member of the Legislative Council of this Province.

Mr. Crookshank, being introduced by the Hon. and Rev. Dr. Strachan and the Hon. Mr. Markland, delivered his commission to the Speaker, by whom it was given to the Clerk, and being read as follows:

UPPER CANADA.

P. MAITLAND.

George the Fourth, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith.

To our trusty and well-beloved George Crookshank, Esquire, Greeting:

Know ye that as well for the especial trust and confidence that we have manifested to you as for the purpose of obtaining your advice and assistance in all weighty and arduous affairs which may the state and defence of our said Province of Upper Canada and the Church thereof concern, we have thought fit to summon you to the Legislative Council of our said Province. And we do therefore command you, the said George Crookshank, that all difficulties and excuses whatsoever laying aside, you be and appear for the purposes aforesaid at the Legislative Council of our said Province at all times whensoever and wheresoever our Provincial Parliament may be therein hereafter convoked and holden, and this you are in no wise to omit.

In testimony whereof we have caused these our letters to be made patent, and the Great Seal of our said Province to be hereunto affixed. Witness our trusty and well-beloved Sir Peregrine Maitland, K.C.B., Lieutenant Governor of our said Province, and Major General Commanding our forces therein, at York, this 1st day of January, in the year of Our Lord One Thousand Eight Hundred and Twenty-one, and in the first year of our reign.

(Signed) P. M.

(Signed) JNO. B. ROBINSON, Atty. General.

By His Excellency's Command.

The Honorable George Crookshank took and subscribed the oath prescribed by the Statute of the 31st of George the Third, and assumed his seat accordingly.

The Honorable Joseph Wells informed the House that John Henry Dunn, Esquire, was in attendance with a Commission appointing him a Member of the Legislative Council of this Province.

Mr. Dunn, being introduced by the Hon. Messrs. Wells and Cameron, delivered his Commission to the Speaker, by whom it was given to the Clerk, and being read as follows:

UPPER CANADA.

P. MAITLAND.

George the Fourth, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith.

To our trusty and well-beloved John Henry Dunn, Esquire, Greeting:

Know ye that as well for the especial trust and confidence that we have manifested to you as for the purpose of obtaining your advice and assistance in all weighty and arduous affairs which may the state and defence of our said Province of Upper Canada and the Church thereof concern, we have thought fit to summon you to the Legislative Council of our said Province; and we do therefore command you, the said John Henry Dunn, that all difficulties and excuses whatsoever laying aside you be and appear for the purposes aforesaid at the Legislative Council of our said Province at all times whensoever and wheresoever our Provincial Parliament may be therein hereafter convoked and holden, and this you are in no wise to omit.

In testimony whereof we have caused these our letters to be made patent, and the Great Seal of our said Province to be hereunto affixed.

Witness our trusty and well-beloved Sir Peregrine Maitland, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of our said Province, and Major General Commanding our Forces therein, at York, this 1st day of March, in the Year of Our Lord One Thousand Eight Hundred and Twenty-two, and in the third year of our reign.

(Signed) P. M.

(Signed) H. J. BOULTON, Solr. Gen.

By His Excellency's Command.

(Signed) D. CAMERON, Secy.

The Honorable John Henry Dunn took and subscribed the Oath prescribed by the Statutes of the 31st of Geo. III, and assumed his seat accordingly.

The Speaker informed the House that he was in possession of a copy of His Excellency's Speech, which he read, and it was read (pro forma) by the Clerk.

It was then moved and seconded that a Committee be appointed to prepare an Address to His Excellency the Lieutenant Governor, in answer to his Speech, and Messrs. Clark, Strachan and Markland were appointed a Committee for that purpose.

On motion made and seconded, the House adjourned until to-morrow at one o'clock, p.m.

Thursday, 16th January, 1823.

The House met pursuant to adjournment. Present: The Hons. Wm. Dummer Powell (Speaker), John McGill, William Dickson, Thomas Clark, George Crookshank, Rev. Dr. Strachan, Joseph Wells, Duncan Cameron, George H. Markland and John Henry Dunn. Prayers were read.

The Committee appointed to prepare an Address in answer to His Excellency the Lieutenant Governor, reported that they had done so, and now submitted it to the consideration of the House.

The Address was read a first time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration.

House in Committee, Mr. McGill in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Address into consideration, and recommended it to the adoption of the House. Ordered that the Report be accepted and the Address engrossed and read again to-morrow.

On motion made and seconded, the names of the Members were called over as follows:

The Honorable Wm. Dummer Powell, Speaker, Present.

The Honorable James Baby, Absent.

The Honorable John McGill, Present.

The Honorable Thomas Scott, Absent.

The Honorable William Claus, Absent.

The Honorable Neil McLean, Absent.

The Honorable William Dickson, Present.

The Honorable Thomas Clark, Present.
The Honorable George Crookshank, Present.
The Honorable Rev. Dr. Strachan, Present.
The Honorable Angus McIntosh, Absent.
The Honorable Joseph Wells, Present.
The Honorable Duncan Cameron, Present.
The Honorable George H. Markland, Present.
The Honorable John Henry Dunn, Present.

On motion made and seconded, Messrs. Wells and Markland were appointed a Committee to wait upon His Excellency the Lieutenant Governor, to know when he will be pleased to receive this House with its Address.

On motion made and seconded, the House adjourned until to-morrow at one o'clock, p.m.

Friday, 17th January, 1823

Several of the Members, and the Officers of the House, being met at the hour to which the House was adjourned; a message was sent by the Honorable the Speaker to say he was too unwell to attend; upon which the House was adjourned until Monday next at twelve o'clock.

Monday, 20th January, 1823.

The House met pursuant to adjournment. Present: The Hons. William Dummer Powell, Speaker; John McGill, William Dickson, Thomas Clark, George Crookshank, Rev. Dr. Strachan, Angus McIntosh, Joseph Wells, Duncan Cameron, George H. Markland and John Henry Dunn. Prayers were read.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled "An Act to provide for the establishment of Courts in the District of Bathurst, and for other purposes therein mentioned." The deputation having withdrawn, the said Bill was read a first time, and on motion made and seconded, ordered to be read a second time to-morrow.

The Committee appointed to inquire when His Excellency the Lieutenant Governor would be pleased to receive this House with the Address in answer to His Excellency's speech, reported that they had done so, and that His Excellency had been pleased to appoint one o'clock this day for that purpose.

At one o'clock, the Speaker, attended by the Members and Officers of the House, proceeded to the Government House, and presented their Address as follows:

To His Excellency, Sir Peregrine Maitland, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding His Majesty's Forces therein, etc.

May it please Your Excellency,—We, His Majesty's most dutiful and loyal subjects, the Legislative Council of Upper Canada in Provincial Parliament assembled, beg leave to offer our most respectful acknowledgments for Your Excellency's Speech from the Throne at the opening of the present Session.

Your Excellency's consideration in determining to call us together at the latest period permitted by the Constitution for the expediency of the public business,

and from a hope of being enabled by that arrangement to lay before us the decision of the Arbitrators on the respective claims of the two Provinces in the course of this Session, calls for our best thanks.

We are deeply sensible of the paternal care evinced by our Most Gracious Sovereign, in seeking the means of remedying the evils which we represented, and of averting them in future, with which view such comprehensive measures were suggested to the Parliament of the United Kingdom as were considered best calculated to remove all ground for future jealousy and misunderstanding between the sister Provinces, and most conducive to their good government and prosperity under their present situation, and for which purpose a Bill was under discussion in which it was thought proper to impart to us by means of an union of the two Legislatures a just share in all Colonial deliberations on matters affecting the interests of both countries.

The satisfactory provision made by a Special enactment for assuring us the protection and security we solicited and which prevents us from remaining without the benefits of a speedy remedy from embarrassments which were pressing and increasing, we humbly receive as a further proof of His Majesty's gracious attention to our welfare; and we sincerely hope that we shall never presume to approach the foot of the Throne but when our prayer is founded in justice and clothed in language of such deference and respect as becomes subjects attached by principle as well as affection to the best of Sovereigns.

The approbation which Your Excellency is pleased to bestow on the Commissioner is most agreeable to us, since it was from the conviction that he was in all respects the best qualified to discharge so important a duty that we ventured with all deference to recommend him to Your Excellency's favorable consideration. We cannot therefore but rejoice that encouraged by Your Excellency's wise direction and powerful influence, his services have surpassed our most sanguine expectations.

The favorable reply to our address on behalf of the sufferers by the late war excites our warmest gratitude; and our earliest attention shall be given to the gracious scheme proposed for our co-operation, from which we sincerely anticipate a most happy result.

We shall not fail, in compliance with the recommendations of Your Excellency, to take into consideration the laws which may expire at the conclusion of this session of the Legislature.

We humbly thank Your Excellency for having called our attention to the opportunity afforded us of endeavoring to check the immoderate and pernicious use of spirituous liquors by increasing the existing duties on distilleries; feeling fully sensible that when we solicit the sanction of our Sovereign to laws judiciously calculated to preserve the health and amend the morals of the people, we give the strongest proof of our regard for the public welfare.

Legislative Council Chamber, 20th January, 1823.

(Signed) WM. DUMMER POWELL, Speaker.

To which His Excellency was pleased to make the following reply:

Honorable Gentlemen of the Legislative Council: This very kind and loyal address is most acceptable to my feelings. I am confident that your deliberations on the objects which I have recommended to you will be conducted in a manner which shall be best calculated to advance the honor of Your Sovereign and the true interests of this Province.

The Speaker, members and officers having returned to the Council Chamber, the House formed.

The Speaker informed the House that he had received a copy of His Excellency's answer to their address, which he read, and it was again read by the Clerk.

Mr. Dickson informed the House that he should to-morrow present a petition to this House from Alexr. Gardner of Niagara, Mason.

On motion made and seconded, the House adjourned until to-morrow at two o'clock, p.m.

Tuesday, 21st January, 1823.

The House met pursuant to adjournment. Present: The Hons. William Dummer Powell, Speaker; John McGill, William Dickson, Thomas Clark, Geo. Crookshank, Rev. John Strachan, Joseph Wells, Angus McIntosh, Duncan Cameron, George H. Markland and John Henry Dunn. Prayers were read.

A message from His Excellency the Lieutenant Governor being announced, Major Hillier was admitted, who delivered a message and enclosure. Major Hillier having withdrawn, the message and enclosure were read as follows:

P. MAITLAND.

The Lieutenant Governor transmits to the Hon. the Legislative Council an extract from a dispatch of His Majesty's Principal Secretary of State for the Colonies on the subject of the losses sustained by Inhabitants of this Province during the late war with the United States of America.

21st January, 1823.

Extract from a dispatch of the Rt. Hon. Earl Bathurst, His Majesty's principal Secretary of State for the Colonies, to Major General Sir Peregrine Maitland, K.C.B., etc., dated Downing Street, 12th June, 1822.

"With reference to your dispatch transmitting an Address of the Legislative Council and Assembly of Upper Canada, upon the subject of compensation to certain inhabitants of that Province for losses sustained during the late war with the United States of America, I have to acquaint you that His Majesty has acceded to a request preferred by Mr. Galt, the agent for the sufferers, that a loan shall be raised of \$100,000 of which the Government here will guarantee half the interest (\$2,500 per annum), the Province providing for the remainder; which loan shall be applied in satisfaction of such claims of sufferers by the invasion as may be established before a new commission.

The proposed measure must of course be submitted to and receive the sanction of the Legislature at their first meeting.

Truly Extracted,

(Signed) G. HILLIER.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled, "An Act to amend and extend the provisions of an Act, passed in the second year of His Majesty's reign, intituled, "An Act to make provision for the improvement of the internal navigation of this Province." The deputation having withdrawn, the said Bill was read a first time; and on motion made and seconded, ordered to be read a second time to-morrow.

A deputation from the Commons House of Assembly being announced, it was admitted and brought up for the concurrence of this House a Bill intituled, "An Act to repeal an Act passed in the forty-fourth year of His late Majesty's reign, intituled, 'An Act for the better securing this Province against all seditious attempts or designs to disturb the tranquillity thereof.'" The deputation having withdrawn, the Bill was read a first time.

Pursuant to the order of the day, the Bill intituled, "An Act to provide for the establishment of Courts in the District of Bathurst; and for other purposes therein mentioned," was read a second time; and on motion made and seconded, the House resolved itself into a Committee of the Whole, to take the same into consideration. House in Committee, Mr. Dickson in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said Bill into consideration; had made some progress therein, and requested leave to sit again to-morrow.

Agreeably to notice given yesterday, Mr. Dickson presented the petition of Alexander Gardner; which was ordered to lay upon the table.

On motion made and seconded, the House adjourned until to-morrow at two o'clock, p.m.

Wednesday, 22nd January, 1823.

The House met pursuant to adjournment. Present: The Hons. Wm. Dummer Powell, Speaker; John McGill, Thomas Scott, William Dickson, Thomas Clark, George Crookshank, Rev. John Strachan, John Wells, Angus McIntosh, Duncan Cameron, George H. Markland and John Henry Dunn. Prayers were read.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole, to take into further consideration the Bill intituled "An Act to provide for the establishment of Courts in the District of Bathurst; and for other purposes therein mentioned." House in Committee. Mr. Dickson in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill, and had made some amendments thereto which they recommended to the adoption of the House. Ordered that the report be accepted.

On motion made and seconded, the Bill was read as amended; the amendments ordered to be engrossed, and the Bill as amended read a third time to-morrow.

Pursuant to the order of the day, the Bill intituled, "An Act to amend and extend the provisions of an Act passed in the second year of His Majesty's reign, intituled, "An Act to make provision for the improvement of the internal navigation of this Province," was read a second time; and on motion made and seconded, the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee, Mr. Clark in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill, and recommended it to the adoption of the House. Ordered that the report be accepted; and on motion made and seconded, ordered that the Bill be read a third time to-morrow.

On motion made and seconded, the House resolved itself into a Committee of the Whole, to take into consideration the message from His Excellency the Lieutenant Governor, enclosing an extract from His Majesty's Principal Secretary of State for the Colonies. House in Committee, Mr. Crookshank in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress therein. Ordered that the report be accepted.

On motion made and seconded, the House adjourned until to-morrow at two o'clock, p.m.

Thursday, 23rd January, 1823.

The House met pursuant to adjournment. Present: The Hons. William Dummer Powell, Speaker; John McGill, William Dickson, Thomas Clark, George Crookshank, Rev. John Strachan, Joseph Wells, Angus McIntosh, George H. Markland and John Henry Dunn. Prayers were read.

Pursuant to the order of the day, the Bill intituled, "An Act to provide for the establishment of Courts in the District of Bathurst, and for other purposes therein mentioned," was read a third time as amended. And the question being put, if the Bill as amended do now pass, was carried in the affirmative; whereupon the Speaker signed the same.

Pursuant to the order of the day, the Bill intituled "An Act to extend and amend the provisions of an Act passed in the second year of His Majesty's Reign, intituled 'An Act to make provision for the improvement of the internal navigation of this Province,'" was read a third time; and the question if the said Bill do now pass being put was carried in the affirmative; whereupon the Speaker signed the same, and they were by the Master-in-Chancery carried down and returned to the Commons House of Assembly.

It was moved and seconded that the Speaker be permitted to withdraw from the Journals of this House the several dissents entered by him as a Member during the last Session of the Provincial Parliament. Ordered.

A message from His Excellency the Lieutenant Governor being announced, Major Hillier was admitted; who delivered to the Speaker the following messages and papers. Major Hillier having withdrawn they were read as follows:

P. MAITLAND.

The Lieutenant Governor transmits to the Honorable the Legislative Council an account of debentures issued under authority of an Act of the Provincial Parliament passed in the second year of His Majesty's Reign, Chapter 5th.
22nd January, 1823.

P. MAITLAND.

The Lieutenant Governor transmits to the Honorable the Legislative Council an Extract from a dispatch received from His Majesty's Principal Secretary of State for the Colonies, in reply to the joint address of the Legislative Council and House of Assembly to His Majesty, praying that half pay might be granted to the Officers of the late Incorporated Battalion of Militia.
22nd January, 1823.

Extract from a dispatch directed to Major General Sir Peregrine Maitland, K.C.B. by His Majesty's Principal Secretary of State for the Colonies.

I have laid before the King the joint address of the two branches of the Legislature of Upper Canada, praying that half pay may be allowed to the Officers and Staff of the late Incorporated Battalion of the Militia of that Province, transmitted in your letter of the 10th of May; wherein you state that this application is founded upon the circumstances of that allowance having been made to the Voltigeurs of Lower Canada, a corps similarly constituted with the Incorporated Battalion of the Upper Province. In reply, I have to observe that an examination into the circumstances under which these two corps were respectively raised has induced me to question the similarity of their constitution; the one a Fencible Corps raised under regular conditions according to which every officer was called to raise his quota of men, and for a more extended service: the other

the local constitutional force of the Province, whose services could have been demanded if they had not volunteered upon the occasion by a certain proportion of the number. It is upon this principle of distinction that I do not feel myself authorized to recommend a compliance with the prayer of the address, and not from any forgetfulness of the gallant conduct of the corps in question.

Truly Extracted,

(Signed) G. HILLIER.

P. MAITLAND.

The Lieutenant Governor transmits to the Honorable the Legislative Council the following papers, which he has received from the Commissioner in England.

A printed copy of the Canada Trade Act.

A copy of the Canada Government Bill, printed by order of the House of Commons.

Copies of the communications from the Commissioner.

22nd January, 1823.

(Copy)

London, May 16th, 1822.

Sir: I have the honor to report to you for the information of His Excellency the Lieutenant Governor, that having arrived in London on Saturday, the 22nd of March, I delivered at the Colonial Office on Monday the 24th March the letters and dispatches with which I was charged, and wrote to Earl Bathurst the letter marked "A." Mr. Wilmot, the Under Secretary of State for the Colonies, wrote immediately to request that I would call upon him the next day, which I did; and Earl Bathurst appointed Wednesday the 28th March for receiving the Address and report of the Legislative Council and Assembly. I accordingly presented them on that day to His Lordship.

From that time I had repeated interviews with Mr. Wilmot, and on the 4th April addressed to him the letter marked "B," and was requested to attend the next day at the Colonial Office in company with Mr. Caldwell, the Receiver General of Lower Canada, and a member of the Legislative Council there, and with Mr. Marshall, the Solicitor General of that Province; and I was desired to prepare the heads of a Bill such as I conceived would provide fairly for adjusting the differences between the two Provinces, and submit it to those gentlemen, that they might, on the part of Lower Canada make such objections or remarks in writing as they might think proper.

The late period of the Session of Parliament made it desirable that no time should be lost, and on the 7th of April I delivered to Mr. Caldwell and Mr. Marshall the paper marked "C."

Their remarks were submitted to my perusal, but no copy has been communicated to me. They did not, indeed, offer any material objection to the substantial provisions of the Bill I have proposed. Not long after Mr. Caldwell showed me the resolutions which were passed in the Assembly of Lower Canada at the close of the last Session, respecting the claims of Upper Canada, and which His Excellency has no doubt seen.

In reply to the statements and positions advanced in these resolutions, and also to the remarks made by Mr. Caldwell and Mr. Marshall, I addressed to Mr. Wilmot the letter marked "D." At the desire of Earl Bathurst. I also had fifty copies of the Report of the Legislature of Upper Canada, with the appendix printed, and placed them at His Lordship's disposal.

Having at the request of Earl Bathurst and of Mr. Wilmot, been present at several conferences at the Colonial Office, in which the union of the two Provinces, or rather of their Legislatures, was proposed and discussed, I communicated freely my opinion upon the probable consequences of such a measure; and gave information upon the several points on which I was interrogated.

That I might not be misunderstood, I addressed a letter to Mr. Wilmot ("E") communicating a statement of my sentiments upon the contemplated union of the two Legislatures, for the consideration of Earl Bathurst, with whom I had soon afterwards a personal interview on the subject; and His Majesty's Government having after the fullest consideration determined to propose to Parliament a Bill for giving a Joint Legislature to the Canadas, I found I could not render a more effectual service to Upper Canada, after a determination had been come to upon this important measure, which I was neither instructed to solicit nor oppose, than by using my best endeavours that the union should be effected in such a manner as would most securely guard the interests of Upper Canada and be most likely to promote its future welfare.

The Bill which has been prepared for that purpose is now under consideration of the Law Officers of the Crown, and notice of it will be given in Parliament immediately. I will send it to you as soon as it is printed, and would transmit manuscript copy now, but that it is uncertain, of course, until the Law Officers have made their report whether it will be brought up in its present shape. I send you the heads, shortly extracted, and I have reason to believe that the Bill will be passed during this Session very nearly in its present form, as from various considerations unconnected with the financial questions between the two Provinces, the expediency of giving them an united Legislature seems so strongly impressed on the minds of all persons here, and His Majesty's Government in particular appear to consider it so desirable for many reasons that I have little doubt an union would at all events have been proposed during the present Session of Parliament, and I cannot but consider myself fortunate to have had it in my power at so critical a moment to afford such information and intercede for such provisions on the part of Upper Canada as I hope will best secure its interests and promote its prosperity under the great change contemplated.

I have the honor to be, Sir,

Your most humble obedient servant,

(Signed) JNO. B. ROBINSON,

to Major Hillier, Secretary to His Excellency, Sir P. Maitland, K.C.B., Lieut. Gov., etc.

Copy "A")

56 Gower Street, Bedford Square,
March 24th, 1822.

My Lord: I have the honor to acquaint Your Lordship that having been commissioned by His Excellency the Lieutenant Governor of Upper Canada to present to His Majesty a Joint Address of the Legislative Council and House of Assembly of that Province, upon the subject of its financial relations with Lower Canada, I shall be happy to have the honor of waiting upon Your Lordship with the same, at any time Your Lordship may think proper to appoint.

I had also committed to my charge several dispatches and letters of Sir Peregrine Maitland to Your Lordship, which, together with the Rolls of the last Session of the Legislature of Upper Canada, I have left at Your Lordship's Office.

I have the honor to be, my Lord, etc.,

(Signed) JNO. B. ROBINSON.

To the Rt. Hon. the Earl Bathurst, etc.

(Copy "B")

To Robert Wilmot, Esq.; H. M. Under Secretary of State for the Colonies.

LONDON, 56 GOWER STREET,

April 4th, 1822.

Sir: In the different interviews with which you have so obligingly honored me, the contemplated provisions for regulating generally the commerce of the Canadas have come alone into discussion.

These are of a nature deeply interesting to both Provinces, and the principles on which they are founded clearly manifest the most indulgent and liberal spirit on the part of His Majesty's Government towards the Colonies. No duty can be more pleasing to me as an inhabitant of Upper Canada than to give any information and contribute any assistance in framing these provisions which my knowledge of its local interests may enable me. At the same time, I cannot forbear to represent that a Bill of the kind proposed would go a very little way in removing any of the difficulties in which Upper Canada is at present involved with respect to its revenue, and would not apply at all to some of the most material points on which its Legislature have now a second time most earnestly besought the interposition of His Majesty and the Imperial Parliament as the only means of indemnity against the injuries which they represent the Province to have sustained from Lower Canada, and the only hope of protection against the recurrence of the evils to which it has been exposed by its state of dependence upon the Legislature of another Colony.

I was unwilling to interrupt the consideration of the general measures under discussion by pressing the particular points last alluded to till time had been afforded you to give the necessary attention to the Address and Report which I had the honor of submitting through Earl Bathurst to the gracious consideration of His Majesty, nor should I do so now, but that I am desirous you should bear these subjects in mind either as connected with or distinct from the proposed Bill in time to avail yourself of every information which the discussion of that Bill may afford you an opportunity of obtaining.

I need not at present recapitulate the different subjects on which the Legislature of Upper Canada have preferred their petition to His Majesty, looking anxiously but confidently forward to the just interposition of His Majesty and the Imperial Parliament in adjusting its relations with Lower Canada as the only means of rescuing its Government from the immediate disgrace of a public bankruptcy, and of providing for its future support. They are fully and explicitly stated in the Report which accompanies the Address, and their proof rests principally on matters of public record, and on other documents to which that document expressly refers.

I shall be happy to attend at whatever time you may do me the honor to appoint to give an additional explanation.

I have the honor to be, etc.,

(Signed) JNO. B. ROBINSON.

(Copy "C.")

Clauses for adjusting the present claims of Upper Canada on the Lower Province, and providing for the regulation of the future intercourse between the two Provinces proposed to be inserted in the Canada Bill, after the clauses for the general regulation of the Canada Trade.

And whereas, since the division of the Province of Quebec into the Provinces of Upper and Lower Canada divers regulations have from time to time been made by agreements entered into under authority of statutes passed by the Legislatures of the said two Provinces respectively, concerning the imposing of duties upon articles imported into the Port of Quebec in the Province of Lower Canada, and of the payment of drawbacks of such duties to the Government of Upper Canada on account of the proportion of goods so imported into Quebec and passing from thence into the said Province of Upper Canada, the last of which agreements expired on the first day of July, 1819. And whereas it appears by the report of the Commissioners last appointed by both Provinces to treat for the purposes aforesaid, that the Province of Upper Canada claims certain arrearages from the Province of Lower Canada for drawbacks of divers duties levied under Acts of the Parliament of Great Britain and of the said Province of Lower Canada on goods and commodities entered at the Port of Quebec and afterwards imported into the Province of Upper Canada and consumed therein, which claim is not admitted on the part of the Province of Lower Canada; and it further appears by the said report that the Commissioners last appointed for the purpose aforesaid have failed in establishing any regulation for the future by reason that they could not agree upon the proportion of duties to be paid to Upper Canada by way of drawbacks on the goods consumed therein.

For remedy of the inconvenience occasioned thereby, and for the satisfactory investigation and adjustment of the said claims, be it enacted, etc., that it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of each of the said Provinces of Upper and Lower Canada respectively, so soon as conveniently may be after the passing of this Act to appoint by commission under the Great Seal of their respective Province one Arbitrator, who, together with a third arbitrator to be named and appointed in like manner by the Governor, Lieutenant Governor, or person administering the Government of Nova Scotia or New Brunswick, and to be a subject of His Majesty inhabiting the said Province of Nova Scotia, etc., shall have power to hear and determine all claims of the Province of Upper Canada upon the Province of Lower Canada under the several agreements heretofore subsisting between the said two Provinces since the division of the Province of Quebec, and alleged to be unperformed according to the fair understanding and construction of the said agreements, and also all claims of the Province of Upper Canada on account of any matter not embraced within the same.

Add clauses.—That the opinion of the majority shall decide.

That if either of the Arbitrators appointed for Upper or Lower Canada fails to attend on due notice being given for that purpose, the other two may meet and determine.

Power to administer oaths.

To send for witnesses.

Copies of the award under the hands and seals of the Arbitrators to be transmitted to the Governors of Upper and Lower Canada, and to the Lords Commissioners of His Majesty's Treasury.

In case of death of either Arbitrator before decision the Governor of the Province for which he was appointed may commission another.

The Commissioner from the Province of to be remunerated at the joint charge of the Provinces of Upper and Lower Canada, and in such amount as the Governor of that Province may appoint.

If any sum be awarded to be paid to Upper Canada, the Governor of Lower Canada may issue his warrant upon the Receiver General of Lower Canada in favour of the Receiver General of Upper Canada for the amount.

An Appeal to lie to the Committee of the Hon. the Privy Council for trade and plantations, if either Province should be dissatisfied.

Should not object to the last provision, but do not desire it on the part of Upper Canada.

And be it further enacted, etc., that if all duties which have been levied in the Province of Lower Canada since the 1st of July, 1819, upon any goods, wares, merchandise or commodities imported by sea into the said Province of Lower Canada, and also for all duties which after the passing of this Act and before the first day of January, 1824, shall be levied in the Province of Lower Canada upon any goods, wares, merchandise or commodities imported by sea into the said Province of Lower Canada, the Province of Upper Canada shall be entitled to have and receive part as the proportion of duties arising and due to the Province of Upper Canada upon such importations.

And be it further enacted, etc., that the Governor, Lieutenant Governor, etc., of the Province of Lower Canada shall and may issue his Warrant forthwith in favour of the Receiver General of Upper Canada for such proportion of the duties received in the Province of Lower Canada before the passing of this Act; and shall and may on the 1st day of January and the 1st day of July in each and every year thereafter until after the said 1st day of January, 1824, issue his warrant in like manner for the payment of such sum as may be then due on account of the said proportion.

And be it further enacted, etc., (clause for establishing the proportion to be paid after the 1st January, 1824, by arbitration upon the same principle as that for determining the question of arrears, with an appeal to the Committee of the Privy Council or by the Lords of the Treasury or Privy Council in the first instance on hearing the representations and evidence of both parties: such proportion to be ascertained every four years.

And whereas the division of the Province of Quebec into the two Provinces of Upper and Lower Canada was intended for the common benefit of His Majesty's subjects residing within both the newly constituted Provinces, and not in any manner to obstruct the intercourse or prejudice the trade to be carried on by the inhabitants of any part of the said late Province of Quebec with Great Britain or with other countries; and it has accordingly been made a subject of mutual stipulation between the two Provinces in the several agreements which have heretofore subsisted that the Province of Upper Canada should not impose any duties upon articles imported from Lower Canada, but would permit and allow the Province of Lower Canada to impose such duties as they might think fit upon articles imported into the said Province of Lower Canada, of which duties a certain proportion was by the said agreements provided to be paid to the Province of Upper Canada.

And whereas in consequence of the cessation of such agreements as above recited it is necessary to protect the Province of Upper Canada from any evils which

might arise from the exercise of an exclusive control by the Legislature of Lower Canada over the imports and exports into and out of the Port of Quebec;

And it is further expedient in order to enable the said Province of Upper Canada to provide with sufficient certainty for the support of its Civil Government, and for other permanent and necessary charges upon its Revenue to establish such control as may prevent the Legislature of Lower Canada from repealing suddenly and without affording to Upper Canada an opportunity of remonstrance, existing duties upon which the principal part of such revenue may depend; Be it therefore enacted, etc., that all and every the duties which at the time of the expiration of the last agreement between the said Provinces of Upper and Lower Canada were payable under any Act or Acts of the Province of Lower Canada on the importation of any goods, wares or merchandise into the Port of Quebec, shall be payable and levied until the Act or Acts imposing the same or any of them shall be repealed by an Act or Acts of the said Province of Lower Canada, and until such Act or Acts repealing such duties, after a copy of the same has been transmitted to the Governor of the Province of Upper Canada be laid before both Houses of the Imperial Parliament according to the forms and provisions contained in the Act of the Parliament of Great Britain passed in the thirty-first year of His late Majesty's reign, chap. 31, intituled, etc., and the Royal assent thereto proclaimed within the Province of Lower Canada according to the provisions of the said last mentioned Act.

And be it further enacted, etc., that from and after the passing of this Act of the Legislature of Upper Canada whereby any additional or other duties shall or may be imposed on articles imported by sea into the said Province of Lower Canada, shall have the force of law until the same shall have been laid before the Imperial Parliament as provided for in certain cases by 31st Geo. III., chap. 31, and His Majesty's assent thereto published by Proclamation in the said Province of Lower Canada, a copy of such Act having within from the passing of the same been transmitted to the Governor of the Province of Upper Canada; provided always, nevertheless, that it shall not be necessary to transmit any such Act to be laid before the Imperial Parliament if the concurrence of the Province of Upper Canada therein shall be signified in the manner to be specified in this Act.

(Note accompanying the foregoing draft.)

I have drawn up with as much connection as I could in so short a time the substance of the different provisions which I have already proposed on the part of Upper Canada.

To reduce them properly to detail will require more particular consideration, but the heads I have given will show, I hope, with sufficient precision the nature of the different enactments which appear to me necessary to place the two Provinces on a fair footing with respect to each other in matters of trade and revenue.

It is impossible to say that in proceeding with the detail more eligible modes may not suggest themselves of attaining the same ends with equal justice to both Provinces, and it is very probable that additional precautions may be found necessary to give effect to the measures proposed, but I am willing to be understood that I have no intention to urge on behalf of Upper Canada any measure distinct in principle from those embraced in this sketch, unless it occurs to me in time to admit of my giving Mr. Caldwell notice of it before his departure.

(Signed) JNO. B. ROBINSON.

(Copy "D.")

56 Gower Street, April 18th, 1822.

Sir,—Mr. Caldwell has very politely directed my attention to the *Courier* newspaper of Friday last, in which are some resolutions passed by the Assembly of Lower Canada in their last Session, respecting the questions between the two provinces of Canada on the subject of revenue.

I transmit the paper for your perusal, and take the liberty of making some remarks upon the positions advanced in the resolutions:

"That the right of Upper Canada with respect to goods, wares and merchandise imported into Lower Canada or exported therefrom consists only of a right of passage thro' the said Province of Lower Canada, or depends on conventional arrangements between the two Provinces," is a position which if admitted would do nothing to obviate the difficulties which occasion the present embarrassments of Upper Canada; because as far as respects the alternative of conventional arrangements the very hardship complained of is that there is none in force to regulate the present or to provide for the future intercourse between the two Provinces; that Lower Canada omitted thro' a period of nearly two years to appoint Commissioners to treat; and that when Commissioners were appointed for that purpose they were not authorized, as they declared, to look into the past; and would accede to no terms which our Commissioners could possibly concur in, for the time to come. Upon the remaining part of the resolution, namely, the abstract position that Upper Canada has no other claim but to "A right of transit of goods through the Lower Province," I beg to observe that Upper Canada has not only a right of transit, but of a free transit; that is, relieved from any duties which may have been imposed upon such goods on their entrance into Lower Canada; and that such right has been uniformly recognized by every Provisional Agreement since the division of the Provinces.

It is conceived, indeed, that Upper Canada has even claims beyond this in respect of goods which having paid a duty at Quebec under the 14th Geo. III., as well as under Provincial enactments, are consumed in neither Province, but are exported to the United States of America. These claims, tho' of inferior moment, are urged in the report which I have had the honor to present, and the reasons stated on which they are grounded.

But if the claim of Upper Canada were confined to the free transit of such goods as her inhabitants consume, the express declarations of the last Commissioners appointed by Lower Canada would deprive her of that right; for they unequivocally declare in writing to our Commissioners, that "They will agree to no other arrangement than that each Province shall collect its own revenue, and that they will pay us no drawbacks." But the duties imposed by the 14th Geo. III will continue to be levied on importations at Quebec, and no doubt the Legislature of Lower Canada will always add to these duties others of their own; therefore if they will henceforth pay no drawbacks to Upper Canada, whatever revenue we should attempt to raise from European merchandise as it comes into our Province, can only be obtained by imposing duties in addition to those already levied on the same articles when they arrived at the Port of Quebec, of which we are to receive no drawback, and over which we are to have no control.

Upon the remaining resolutions I beg to remark the claims of Upper Canada upon the Lower Province are grounded principally upon former provisional agreements, which it is contended have not been complied with; and proof is offered to substantiate claims under them to a very considerable amount. Lower Canada, on

the other hand, denies, tho' not in positive terms, that such claims exist. It is submitted that arbitrators can best decide this question. But it is moreover conceived that beyond these claims under agreements unperformed, there may exist others equally clear and just; which those agreements ought not to preclude, unless they are such as the Commissioners who performed those agreements were authorized to adjust, and did in fact consider.

The agreement entered into at Quebec on the 7th of June, 1817, between the Commissioners of Upper and Lower Canada, which by these resolutions is not recognized as valid, related merely to the payment of a particular sum of 1,585 pounds sterling on account of arrearages claimed by Upper Canada, and is wholly unimportant as to any question remaining now to be considered. It was so far sanctioned by the Legislature of Lower Canada that they passed an Act appropriating a sum to Upper Canada which was ascertained by that agreement, and I cannot conceive for what purpose a question is now raised about it; for it was but a portion of what is claimed, and was neither expressed nor pretended to be in satisfaction of the claims of Upper Canada, but quite the contrary. As to the assertion contained in the resolutions that the proportion of goods imported into Lower Canada and consumed in Upper Canada has materially diminished since the last agreement in 1817 is fully met and particularly considered in the report of the Legislative Council and Assembly of Upper Canada, and documents are appended to that report which clearly sustain whatever is advanced in it on that head. Upon the last resolution it is only necessary to observe that it could scarcely have been anticipated by Upper Canada that the Legislature of the Lower Province would delay for so long a period the appointment of Commissioners to renew the consultation; and that after they had by that omission subjected us to so great inconvenience it seemed not an unreasonable expectation that they would proceed to ascertain the proportion by the means which had been last resorted to, rather than to aggravate the evils of the delay by the unforeseen requisition of a mass of evidence of past transactions which no precaution or expense which Upper Canada could have employed would have rendered satisfactory, and which it was well known at the time it was demanded could not possibly be obtained. In truth, the attempt to take an account of all the goods which passed from the one Province into the other had been abandoned by both Provinces as impracticable, and it is not singular that we had not without the aid of the necessary officers for that purpose persevered in a system which it was found could not be carried into effect while those officers existed, and which had been therefore discontinued.

It is true that the Commissioners of Upper Canada would not consent to the mode proposed for ascertaining the proportion of duties to be paid since the expiration of the last agreement, because they represented and proved that that mode was impracticable and that the result could not be satisfactory.

All this appears in the report of the last Commissioners, but I am enabled to show that sufficient evidence was in fact collected by one of the Commissioners of Upper Canada, in conjunction with one from Lower Canada, to prove at least the right to more than the proportion contended for, and that in the face of that evidence such proportion was nevertheless refused.

I have only to add that these resolutions of the Assembly of Lower Canada are wholly silent on the most important point, and that with respect to the past claims of Upper Canada they suggest no means and hold forth no prospect of their adjustment, while nearly the whole of our revenue for the three last years is detained in their treasury. These resolutions, it is also to be observed, were adopted

by the Legislature of Lower Canada after a knowledge of every point upon which the Province of Upper Canada has intreated the interposition of His Majesty and the Imperial Parliament, for the Legislature of Upper Canada prayed His Excellency Sir Peregrine Maitland to transmit to the Government of Lower Canada, for the information of the Legislature of that Province in Session then, a copy of the Address to His Majesty and of the Report which I have had the honor to present to Earl Bathurst, and I know that those papers were transmitted long before these resolutions are stated to have been passed.

The remarks made by Mr. Caldwell and Mr. Marshall upon some of the enactments proposed by me for placing on a just footing the financial concerns of the two Provinces do not affect the most material of these provisions, and the points they involve are so particularly referred to in the report I have presented, and in this paper, that I need not at present urge anything further against them. I will only observe that nothing can be more mistaken than to deny the claim of Upper Canada to a just proportion of the duties levied under the British Statute of 14 George III.

The annual vote of the British Parliament pays only some specified salaries. It defrays but a part, and not the greater part, of the expense of administering justice and supporting the Civil Government within the Province of Upper Canada. How can it, then, be proposed that Upper Canada shall remain embarrassed from want of funds to meet those objects, while upon the articles she consumes duties are paid at Quebec which are expressly appointed to that purpose, but which it is now contended are to be wholly expended in Lower Canada.

If it should appear to you that any of the points urged by the Legislature of Upper Canada are in themselves questionable, or are rendered so by any statements or agreements advanced on the other side, I shall be much obliged by having an opportunity afforded me of further explanation.

I have the Honor to be, etc.,

(Signed) JNO. B. ROBINSON.

To R. WILMOT, Esq.,

Under Secretary of State for the Colonies.

(Copy "E.")

London, 56 Gower Street,
April 23rd, 1822.

Sir,—The measure of uniting the two Provinces of Canada, on which you did me the honor to confer with me in company with Mr. Osgoode and Mr. Ellis, and also with the Solicitor General of Lower Canada, is one of so great moment to these Colonies, and involves so many considerations that I feel it due to myself to place before His Majesty's Government in writing what has occurred to me on the subject, though I should do little more than repeat what I have before stated in conversation.

You will oblige me by laying before Earl Bathurst the paper which accompanies this letter, in which I have taken the liberty to state plainly such views of the subject as my acquaintance with the situation of Upper Canada and my opinion of the wishes and interests of His Majesty's subjects there lead me to entertain.

Having submitted to the consideration of Earl Bathurst proposed measures for placing the two Canadas on a fair footing with respect to each other, without reference to any union of the Provinces, and having now ventured to state explicitly

my sentiments upon the expediency of such an Union, I have only to add that I shall be most happy to afford any further information or explanation in my power, and that whatever cause His Majesty's Government may determine to adopt upon consideration of the different measures proposed, I shall be equally ready to aid it by any service of mine which can be useful; entirely persuaded both by the very liberal policy about to be extended to the Canadas with respect to their trade, and by the patient attention which has been given to the different points, I am instructed to urge that the prosperity of those Provinces is earnestly desired by His Majesty, and that no measure will be decided on but in the fullest conviction that it is most likely to ensure their security and welfare.

I have the honor to be, Sir,

(Signed) JNO. B. ROBINSON.

To R. WILMOT, Esq.

Considerations upon the expediency of giving an United Legislature to the two provinces of Canada, by an Act to be passed during the present Session.

The reasons which led to the division of the Province of Quebec were that the inhabitants of the two portions of the Province now forming Upper and Lower Canada differed in language and religion, and had been accustomed to different systems of jurisprudence.

These reasons remain not materially weakened in any respect, for the accession to the population of Upper Canada by emigration since the division has been almost entirely of persons strangers to the French laws and language, and principally of the Protestant faith, while in Lower Canada the inhabitants are at this moment in the proportion it is stated of nineteen in twenty composed of Canadian French.

Whatever weight, therefore, was due to these arguments for a separation at the time it took place, is not yet undiminished; and it may be added that the subsequent general dispersion of population through a territory, the extremes of which are from twelve to fifteen hundred miles asunder, furnishes an argument of inconvenience against uniting them now under one legislature, which probably did not exist in a sufficient degree to form an inducement for the separation.

These circumstances, however, though entitled to consideration as materially affecting the welfare and convenience of the two Provinces, whose increase in population and opulence is desirable to facilitate by giving to them the most convenient form of Government for their local wants, are none of them, it must be confessed, of that permanent nature that they ought to stand in the way of the proposed union, if it be clear that such union is necessary to increase the value of these colonies to the mother country, or to provide in the most effectual manner for their own security and welfare.

For my own part, I do not know in what manner any of these ends is expected to be answered by the proposed union. The Provinces have gone on hitherto advancing by very rapid strides in population and improvement, their inhabitants well satisfied with the footing on which their Government was placed by the 31st Geo. III., chapter 31, and sensible themselves of no evil or inconvenience growing out of the system established by that statute, so far as my knowledge extends, except that within these last few years difficulties have arisen in adjusting the proportion of duties and regulating the commercial intercourse between the two provinces, which matters had hitherto been arranged by amicable agreement, but which it has been now found necessary to refer to the decision of the Imperial Par-

liament, an exigency foreseen as the probable consequence of the separation when the 31st Geo. III was passed, and for which a power of providing a remedy by the intervention of British Acts is in terms reserved by that statute.

If, however, although the legal and constitutional rights of the Imperial Parliament to control the provinces in these respects is undoubted, these differences between them with respect to their commercial and financial regulations cannot, in point of fact, be adjusted in any other manner than by a union of the Legislatures, that would of itself be a sufficient reason; for while these points are unsettled the Government and Legislatures of both Provinces are subject to be involved in irritating discussions, which may tend to much evil, and, what is more immediately pressing, the Province of Upper Canada is absolutely unable for want of the funds which remain locked up in the Treasury of Lower Canada to pay their creditors or to support the current expenses of her Government.

But I must declare I see no reason for supposing that a union of the Legislatures is required on this ground, for I submit in the first place that such an union would by no means get rid of the principal point of this agreement, the claims of Upper Canada for the past. Those claims must necessarily remain, the amount must be ascertained, and their payment to Upper Canada provided for by some Act of the British Parliament, notwithstanding an union, and indeed as far as respects the claims of Upper Canada for duties already received to her use, and to be expended when paid solely for her benefit, some difficulty as regards the exclusive appropriation of them would be created by an union. Then, in regard to the future regulation of the intercourse between the two Colonies, the measures humbly prayed for on the part of Upper Canada are such as it is conceived no reasonable objection can be urged against. At all events, the Imperial Parliament can well judge of their expediency, and whether they are such as both Provinces ought to be content to acquiesce in, and if either Province be not patient under regulations exacted by a sense of justice due to the other, it will then, I submit, be time, as far as the desired end is to remedy those difficulties, to project an union as the only other method of attaining a necessary object.

Believing, then, as I certainly do, that an union is not absolutely necessary on this ground, it is not to be considered whether there is anything in the present situation of the two Provinces which calls for a measure so important in its nature, and which may be attended with circumstances of particular inconvenience to each.

In remarking upon the inducements which occur to me, I can only speak hypothetically, for it may be that His Majesty's Government are induced to the contemplation of a union by consideration of policy altogether different from those which present themselves to me. I know that the Legislature of Lower Canada have refused to make provision for the expenses of administering justice and supporting the Civil Government of their Province in any other manner than by an annual vote system of proceedings, to which His Majesty's Government objects as being contrary to the spirit of that Constitution of which they are ready to avail themselves of the privileges, and as placing unconstitutionally every officer of the Civil Government in a state of dependence upon one branch of the Legislature. I am aware, too, that the greatest embarrassments are felt in conducting the Government of that Province from the refusal of the Assembly to place the Civil establishment on any other footing. There may no doubt be other points also on which the Assembly of Lower Canada, consisting principally of people of French extraction and Catholics, exhibit at least an indifference to objects which in a British colony it is desirable to advance, and cherish prejudices which confine

them to a narrow line of policy, and make them hostile to improvements which would advance the welfare of the colony and render it a more important part of the British Dominion.

Of these inconveniences it is impossible to say decidedly until they are more specifically pointed out how far they might be expected to be removed by an union of the Legislature; but as to that first mentioned, namely, the embarrassment felt at present in Lower Canada from the refusal of the Legislature to make a more permanent provision for the Civil List, I confess I do not see that it would be removed by such a measure; for supposing the Canadas to be joined according to their present scale of representation, if any member from Upper Canada should consent to a permanent provision for the Civil List it would still not be carried, and without expressing any opinion upon the justice as it now stands in Lower Canada, I do not by any means think it safe to anticipate that the members from Upper Canada would generally support the provision in the terms in which it was required to be made. As to any inconvenience that may be felt from the entire preponderancy of a French Canadian interest in the Legislature of Lower Canada, I do not see that the certainty of their being counteracted by an union is either near enough or clear enough to make it advisable on that ground.

It would be long before the influence of the members from Upper Canada would be an over-ruling influence, and I think it doubtful when it did become so they would be disposed to exert it in exchanging the internal municipal policy of the other Province contrary to the wishes of nine-tenths of its inhabitants, and which, whether wise or not, was endeared to them by long use, and had been so far respected by the British nation that they had been hitherto left to change or retain it as they might prefer.

That an union of the Provinces might add to their strength by producing a more perfect community of interests and feeling, by subjecting their militia to a uniform system of discipline, and by placing their means of defence against a foreign enemy more conveniently and effectually at the disposal of the Government.

That it might in time by the gradual operation of the natural consequences of such an union make the whole colony more completely British in their system of laws, in their education, in their feeling and in their general temper of all their public acts; that it would produce an uniform regulation of trade throughout the territory and ensure the interest of every part being subservient to the welfare of the whole, and that it would necessarily put an end to all future difficulties about duties and drawbacks by sharing among all the enjoyment of that in which they have all an interest are general advantages which, though some of them are rather indefinite as to their extent and uncertain as to the period in which they might be felt, might, I think, be rationally expected.

On the other hand, I am doubtful of the prudence of disturbing the present system of things in the prospect of those rather indefinite and distant advantages, and at the hazard of these inconveniences which have suggested themselves to me and which I will shortly state.

At present things are proceeding pleasantly and prosperously in Upper Canada. In Lower Canada they are not, but I do not think an union would remove in the least difficulties existing there, and it might have the bad effect of involving the one Province in the troubles of the other.

The number of representatives in Upper Canada is at present less than in the Lower Province, and would no doubt continue so for many years. The latter consist, with very few exceptions, of Canadian French, and I am apprehensive that an union of the two Provinces would be regarded with such extreme jealousy

and repugnance by the great body of the people in Lower Canada that on future occasions they would even more studiously endeavor to exclude Englishmen from their Assembly and confine their confidence to those who would sedulously regard their old system of things from innovation, and for many years I fear the people of Upper Canada would find it difficult to obtain any appropriation of Revenue to purposes of public improvement within their Province or to gain sufficient attention to their local interests from an Assembly of whom the greater number would be unfriendly to their religion and unacquainted with their laws, and jealous of their influence. If these consequences should follow they would retard the now rapidly increasing prosperity of Upper Canada at the most critical moment. Perhaps the apprehension is groundless, I state merely my own impression. Upper Canada, it is true, contains at present a much less population than the Lower Province, the one having been first settled by Europeans only forty years ago, and the other more than two hundred; but it is a well-known fact that in extent of land capable of cultivation, in the excellence of its soil and its climate, and consequent capability of producing, the former possesses almost unrivalled advantages, and it would be much to be lamented that these should be prevented from developing themselves by being placed under the control of persons little acquainted with our agricultural interests, and ever averse to the system of tenures and of laws under which the Province has so surprisingly flourished.

That it would go thus controlled, at least for many years to come, I take to be certain, especially if the Legislature should be convened at Montreal, for I fear in the present state of Upper Canada it would be difficult to find gentlemen who could so completely abandon their own pursuits as to attend an annual Legislative Session of three months at so great a distance from their homes. It could not be expected that the attendance of Members from the Upper Province would be by any means so numerous, even in proportion, as from the Lower, and I see great reason to apprehend that in any question in which the interest of the two Provinces may come into competition, such, for instance, as the proportion of revenue to expend in Upper Canada, there would be little chance for some time to come of a fair decision. I fear this the more from the conviction that the mass of the people of Lower Canada would feel extreme annoyance at the union, looking upon it as a scheme to give to the English population an undue ascendancy, and would be but little disposed for some time to unite cordially with us, forgetting all distinctions.

It deserves perhaps also to be considered how far it is politic upon national grounds to unite the two Colonies now distinct, thereby involving on all occasions the politics of one with the other, giving to them the means of making common cause in any unfortunate discussion which might arise, and rendering any disagreement a cause of irritation and of difficulty in two Governments, whereas otherwise it might but affect the tranquillity of one.

Several other considerations of less importance naturally suggest themselves in weighing the probable consequences of an union of the Legislatures. My desire has been to state such as appeared to be most worthy of notice, and in doing this I beg not to be understood as presuming to speak the sentiments of the Government or of the Legislature of Upper Canada, for I am neither authorized nor prepared to state their opinions upon the expediency of an union which was never, within my knowledge, contemplated by either.

The representations from that Province with which I am charged were not intended, I am certain, to point specifically to that end; and indeed the measures which I have taken the liberty of proposing, and which are under the consideration

of His Majesty's Government, are wholly of a different nature. I cannot even pretend to say how far an union would be agreeable to the people of Upper Canada generally. I have reason to think a majority of their present representatives are unfavorable to it, from a conviction that it would not be beneficial, though some of that body, for whose opinion I have much respect, think otherwise.

I will take the liberty of remarking further that the Act by which the Province of Quebec was divided, and the present separate Government is established, was the result of great and long deliberation; and if the change of a system so matured should prove disagreeable to the inhabitants of both or either of the Provinces, it may be expected that they will feel it more deeply in proportion as it shall appear to have been hastily decided on, and without an opportunity having been afforded them of making known their sentiments.

The people of Canada have been ever treated by Great Britain with a mildness and a degree of parental indulgence that would make them the more sensible to any apparent want of consideration even of their feelings.

Another matter occurs to me upon which it is necessary to guard against any erroneous impression. The French inhabitants of Lower Canada, I am firmly persuaded, are as peaceably disposed, as much inclined to submit to authority, and as loyally attached to the British Government as any portion of His Majesty's subjects, and whatever trouble their representatives may give by refusing to make a permanent provision for the Civil List, or upon questions of revenue, or of any kind between themselves and the Executive Government, is not to be ascribed to the preponderance of French influence over the English, but to that desire which is found in all Assemblies to assert to the utmost the share of power which they think the constitution gives them, a disposition which I think the descendants of English, Irish and Scotch will be found as likely to persevere in as the descendants of Frenchmen.

It is not my desire, by anything I have said, to lead to a conclusion that the Legislature should not be united, unless that inference shall appear to be the sound deduction from the considerations I have stated.

I have set down what presented itself on both sides, anxious only that the decision may be made on sure grounds, and not formed upon erroneous conceptions or expectations which are not likely to be fulfilled.

I certify the foregoing to be a true copy of the original.

(Signed) G. HILLIER.

July 24th, 1822.

Copy "A."

Sir,—I now submit to you the clause respecting duties imposed in Lower Canada upon scows, rafts, &c., passing from Upper Canada through its waters, upon which I spoke to you yesterday.

Being entirely prospective, it was unnecessary to propose it while the measure or uniting of the Provinces formed part of the Canada Bill.

In addition to what I have already urged on this subject, I beg to refer to pages 39 and 40 of the Report of the Legislature of Upper Canada, in which the rates in question are complained of, and to page 50, for a copy of the Act by which they are imposed, and by which it will be seen that those rates are very considerable in amount, and that as they are raised solely for the Legislature of Lower Canada, so they are to be expended solely at its discretion.

I will only add that flour and lumber are the principal exports of Upper Canada; the former of which is sent down the St. Lawrence in scows, the latter in rafts and cribs; and that chiefly upon these exports of Upper Canada on their way to Great Britain, or to foreign markets, a sum has been levied under this Act which two years ago had accumulated to five thousand pounds sterling, and which remained in the treasury of the Lower Province unexpended, as appeared by the public accounts printed by order of its Legislature. It is scarcely credible by any but mercantile men how seriously impositions of much less amount than these upon the staple articles of a country may operate to the prejudice of its trade, especially in the present period of low profits and uncertain markets, and it is incorrect to imagine that the consumers who ultimately pay them are the only persons indemnified. They are deductions from the profit of the exporter, or, rather, in the present depressed state of trade, they add to his loss, and when our flour can scarcely find a market, and our timber, since the late regulations, can with difficulty be brought into competition with that from the Baltic, the addition of these rates, especially that of seven shillings and sixpence upon every crib of timber, becomes a consideration of very serious moment, to say nothing of the necessity of protesting against a principle which would place our Province entirely at the mercy of the other. I do hope, therefore, that His Majesty's Government will see the expediency of adding the proposed clause to the Bill, as it has no retrospective operation and goes merely in future to prevent such taxes being levied upon the people of Upper Canada under any pretence, leaving the improvement of the navigation an object equally interesting to both Provinces to be provided for by such means as they may both concur in.

I have the honor to be, &c.,

(Signed) JNO. B. ROBINSON,

Commissioner from Upper Canada.

To ROBERT WILMOT, Esq.,

Under Secy. of State, &c., &c., &c.

Certified, G. HILLIER.

Copy "B."

The two Acts recently passed for regulating the trade between His Majesty's possessions in America and the West Indies and other parts of the World, and for regulating the trade between His Majesty's possessions in America and the West Indies and other places in America and the West Indies place the commerce of the North American Colonies on the most liberal footing. By the first a direct trade is opened to our shipping with all foreign countries in Europe or Africa, and it will be found that the list of articles to which the trade is restricted embraces almost every production which we could desire to import from those countries, since whatever this Kingdom manufactures could not be procured by us of so good quality or so cheaply elsewhere. Our trade henceforth with foreign nations is open as freely to us as to our fellow subjects of the United Kingdom, with this advantage over them, that the wines or other merchandise we may import from thence are not subject to the same heavy impositions.

What we can find to send in return is another consideration upon which must depend the extent to which we can avail ourselves of these advantages. An opportunity is given if we can improve it.

I learn that by another Act passed this session the same privilege of trading to the East Indies which has been given to private traders of the United Kingdom is with the same exceptions extended to the Colonies. The circumstances of the

Colonies may for some time render this privilege of little value, but while we are placed on the same footing with other British Subjects we cannot complain.

While these measures were in progress, I had some conversation with the President of the Board of Trade on the present state of the trade in Canada with respect to the article of tea, which is too notorious in both Provinces, and suggested that little injury would arise to the East India Company and much good to our own revenue if we could be allowed to import tea directly from the East Indies, or through the United States on payment of a certain duty. It was too late in the Session to propose a measure, which, as it would be in direct violation of the Company's Charter, could not during the existence of it be brought forward without their acquiescence, but it did not appear to me from what was said upon the subject that an application would be hopeless if urged in time to admit of its being well considered, and I am inclined to think it would be liberally entertained by the Government. I mention this that it may be thought of.

It will be seen that by the first Act different British Statutes are repealed of which the policy was to promote the trade of the Canadas by allowing the exportation from thence to certain parts of Europe of the productions of the United States brought by land or inland navigation without requiring certificates of origin, or in other words to make so far as these Statutes extended the Port of Quebec the outlet for the productions of the Northern States; but it may seem by the second section of what may be called the present Colonial Europe Trade Bill that they are only repealed to make way for what would appear a general extension of this policy, for by that section it is lawful to export from the Colonies direct to any foreign port in Europe or in Africa, &c., any article the growth, produce or manufacture of any such Colony, "*Or any article which may have been legally imported into any such Colony,*" and such undoubtedly would be the beneficial effect of that Statute if it stood alone; but it will be seen that the Acts for regulating the trade between the British possessions in America and the West Indies, and other places in America and the West Indies, and the Act Ch. 119, for regulating the inland trade between the Provinces of Upper and Lower Canada and the United States of America, have the effect of destroying this policy altogether, inasmuch as the principal productions of the United States cannot since those Acts be imported from the United States through any channel into the Canadas without being subject to considerable duties.

And therefore in this respect the trade of the Canadas is placed on a worse footing, in principle at all events, in hope not at present very materially so in practice. To avoid this, if possible, I suggested to the President of the Board of Trade the expediency of allowing both Provinces to continue as they have done to admit the productions of the United States by inland navigation, free of duty or otherwise, as they might think most advisable, because as the duties imposed by that Act (No. 2) on the importation of those articles by sea from the United States into the West Indies and other colonies were meant solely and expressly for our protection, and to encourage the agricultural productions of our Provinces, which were common with those of the United States; it was not necessary to protect ourselves against ourselves; and we might safely be allowed to judge whether the free admission of American Flour, Timber, &c., into our Province for exportation might not be beneficial to our trade without being injurious to our agriculture.

And I suggested that by allowing such importations we might, by exporting the productions of America with our own, be enabled immediately to supply the

West Indies entirely, and might carry on a more extensive trade with the other parts of the World. The answer, however, was a very obvious one, and, I admit, a very just one.

The West Indians, it was said, would justly complain if the price of the necessities of life was raised upon them to enable us to dispose advantageously not only of our own productions, but of those of foreign countries. And if the productions of the United States brought by internal navigation into the Canadas were not made subject to the same duties as when imported into the other British Colonies, the Americans would complain that the relaxation professed to be made in the navigation laws for the benefit of a reciprocal commerce would be but partially extended, and would be rendered in a great measure nugatory by their productions being, when carried in their own shipping to our West India Islands, made subject to heavy duties, and admitted in the same islands free of duty if introduced by our shipping by a circuitous importation.

That would indeed be the direct effect as the West India Bill now stands, for the enumerated articles are subject only to duty when brought from a foreign country, and if the wording were otherwise, evasions would be unavoidable. Besides, the other North American Provinces might claim the same privileges for the same reasons that we should desire it, and if extended to them it would lead to their supplying the West India markets with American Flour to the exclusion of that produced in Canada.

I have been the more explanatory upon this subject, because perhaps it is the most important, and it may be of consequence to call the attention of the Legislature to these matters, which are necessarily much better understood by most others in Canada than myself. The general change in the system of the navigation laws introduced by the Act for "Regulating the trade of the British Possessions in America and the West Indies with other places in America and the West Indies" is a great National measure, prompted chiefly by the present deplorable state of the West India Islands, which the Planters attributed too much perhaps to the interruption of intercourse with the United States of America by the retaliatory system which that country had adopted. Every disposition has been shown to secure us against injurious consequences by the imposition of protecting duties on such articles from the United States as are equally produced in Canada.

Efforts were made by those interested in the Canada Trade to have those duties placed as high as possible, but duties so high as to be nearly prohibitory would have been in direct opposition to the principles and professed policy of the Bill. The West Indians, on the other hand, exerted themselves strenuously and most naturally to have the duties low, as they are principally on articles of the first necessity, and, whatever their amount, were direct sacrifices made by them to the interests of the other Colonies.

The Parliament endeavoured to fix the just medium, and though I imagine it was felt that the duties are scarcely sufficient to compensate the difference of transport, and to place our productions on equal terms with the American in the West India Markets, they are as high as could be obtained, or as would be patiently acquiesced in, and therefore are the more likely to be permanent. It will be seen that care is taken to guard against the introduction of American grain bonded in England into the West Indies except upon the same duties as if imported from the United States.

The omission to impose a duty upon Indian Corn Meal was accidental, and it is intended to remedy it next session. It was suggested a duty should be imposed upon rice, as it very much supersedes the consumption of flour, but it

was not considered just to protect the productions of the Canadas by imposing a duty upon other articles of equal and perhaps of greater necessity which they do not produce. Wheat, it seems, cannot be sent to the West Indies, and therefore no protection in regard to it was thought necessary. It is to be considered how far the omission of a duty on wheat may, consistently with the letter of the Act, admit of a trade in American Flour through the Canadas by importing the wheat and manufacturing it in the Provinces.

I have mentioned such matters as occurred to my recollection respecting the two Acts regulating the Colonial Trade generally, because Upper Canada is more or less interested in both, and because, as it is just to state, every opportunity was afforded me to make suggestions while they were in progress.

Upon the Act "For regulating the trade of the Provinces of Lower and Upper Canada, and for other purposes relating to the said Provinces," which more directly concerns us, it will readily occur that it might have been more desirable for the Provinces themselves that no provisions had been made with respect to the inland trade between them and the United States of America, and that they had been left to regulate it by their own enactments, as they have hitherto done, but as it would have been invidious towards the other Colonies to exempt these in any manner from the operation of the general system, so, for other reasons which I have before stated more particularly, a uniform system was so far insisted upon as to extend the permission to import into Canada by inland navigation, by American Ships as well as by British, or by land carriage, to the *same articles*, and upon the *same duties*, as are enumerated in the Schedules to the West India Trade Bill, and consequently the Schedules are the same in both for the sake of uniformity, although they are not so applicable to the nature of the trade in the one case as in the other. I should have been happy if the application of the general system to the inland trade of the Provinces, and, at least with respect to the duties, could have been dispensed with, but I do not consider the failure in this respect of much consequence. It will be seen that the Colonial Legislatures are not restrained from adding to the duties imposed by this Act; so that it is still in their discretion to protect their own agriculture by prohibitory duties upon American productions if they deem such a policy wise. It is only provided that not less than these duties shall be levied; higher duties even now existing are not repealed. This will be seen in the third clause of the Act, and in the West India Act the same provision is extended to all the Colonies.

The greatest difficulty I experienced was to prevent the inland intercourse between the Canadas and the United States from being limited, as the trade is in an express clause in the General Colonial Act to the articles enumerated in the Schedule, which, considering the peculiar situation of Upper Canada, so far from the ocean, would have been most ruinous, henceforth all the salt, ironware, mill-stones, machinery of all kinds and every cumbrous article must have come up the St. Lawrence at an expense greater than their present value, and we should have been precluded from getting a multitude of trifling articles which, from our contiguity to the United States, we find it convenient to get from thence, and by which the trade of Great Britain is in no degree injured. Upon this subject I made frequent representations, and it was at last placed upon the desired footing; so it will be found there is nothing in the present Act to prevent getting other articles from the United States than those enumerated upon such terms as we please, subject, however, to the restrictions of the navigation laws, *that they must be in British bottoms*, for it is only in respect of the enumerated articles that that

restriction is relaxed. And it is very material that the operation of the Act in this respect should be distinctly noticed, because the necessity conceived for the express enactments to allow the partial relaxation of the navigation laws upon the inland waters show the construction of the Parliament upon their general application to such navigation, no less than the particular clause in which they are adverted to. There was formerly, indeed, under the words of the 7th and 8th William and Mary, no room for doubt; but now it is placed beyond the possibility of dispute, that no articles can be imported into the Ports of Upper or Lower Canada in American bottoms, except as are in the Schedule, nor any carried from Port to Port in either Province in such bottoms, though it will be seen in the 10th section of the Bill that all articles may be exported from our Ports to the United States in American bottoms as in other colonies by the West India Act, for it was intended that our inland intercourse with the United States should not be subject to any restriction which had been relaxed in the other Colonies, and whether it would be prudent that that intercourse should be freed from the restrictions which still remain (I mean as to carrying in foreign bottoms) is a question of policy on which there may be different opinions, and on which the sentiments of the Colonies themselves would, I dare say, receive attention. In the meantime the effect of the Act is as I have stated it, and it is necessary it should be clearly understood.

The reasons of the other regulations in the Canada Act are sufficiently explained in the several enactments.

The provisions for adjusting all questions of revenue between the Provinces scarcely require explanation, as the reasons are sufficiently recited, and the subject has been already so much discussed, but a fear they may be misapprehended induces me to make a few remarks.

The claims for arrears of Provincial duties up to the expiration of the last agreement is confined to such as arise under the several agreements themselves, for it is considered just by the Government, and was conceded by our Commissioners at the last meeting, that the agreement must be considered final for the periods to which they refer, and that it is only to be inquired whether they have been performed or not, an enquiry which is extended to "The fair understanding and construction" of the agreements by express words in the Act. As to the proportion of duties under British Acts of Parliament it will be seen that it is perfectly open to Upper Canada to state any claim to the arbitrators, and to adduce evidence, except with respect to such periods as have been provided for by agreements, which is only that included within the agreement of 1817; but the decisions of such claims must rest with the Lords of the Treasury. It was objected to hear any principle as to the distribution of those duties to the decision of the arbitrators, and I concur in thinking that the present arrangement in that respect is most proper. I suggested for consideration the propriety of an appeal to the King in Council, or to the Lords of the Treasury, from the decision of the arbitrators, where they are authorized to decide, but it was thought it would be inexpedient, and I apprehend it would certainly have led to delay, for one party or the other would have appealed, and both have an equal chance of justice before the arbitrators.

The 23rd clause was inserted upon a suggestion while the Bill was in progress, and of course can be in no otherwise objectionable than as it is merely nugatory, because there are but three things which arbitrators can be called by the Act to consider: 1st, claims for arrears, of which Lower Canada never pretended to have any, and indeed it is impossible she should, as the agreements necessarily only provide for the payment to us of a proportion by that Province, as the receiver, in

the first instance, of the whole. 2nd, to declare for the time to come what proportion we shall have of the Provincial duties levied on importations by sea, and on this head it is impossible Lower Canada can have any claim, because she holds everything till it is decided what part she is to pay us, which is the only question. Thirdly, to claims to the distribution of duties under British Acts, and to report them for the decision of the Lords of the Treasury, and here the possibility of reciprocal claims is supposed and expressly provided for. However, the clause does no harm, as it carries the appearance of reciprocity, and if there was room for the reality it would be but just the provision should exist.

The proportion of the 1-5 of the duties levied since the 1st July, 1819, is all that would be conceded; as that was the last ratio established, indeed it could not be expected that the Government would propose more without an actual investigation and evidence of increased consumption, and besides, our Commissioners had offered to accept it. I knew the present state of our finances, and the encumbrances upon them would not admit of delay in the receipt now due; and therefore I consented to the 1-5 for a period not later than July, 1824; but it will be found by a careful perusal of the Act, particularly the 27th clause, that it remains open to Upper Canada to urge a claim to a proportion of the 14th Geo. III, greater than 1-5 upon the principles explained in the report since the expiration of the last provisional agreement, which claim the Lords of the Treasury will decide upon, and that in the meantime 1-5 of those duties also will for the present be received.

This provision with respect to the proceeds of duties under 14th Geo. III extends generally to the future.

The 19th clause renders necessary a previous understanding between the two Provinces respecting the imposition of duties, which it is but just should have place, as both are directly interested.

Nothing further occurs to me respecting these or the remaining provisions of this Act, or of the others I have remarked upon.

It will readily be supposed many other modifications have come under consideration, which, as they were not adopted, it is needless to advert to, but I hope it will be found generally that the different views of the subject were not overlooked.

(Signed) JNO. B. ROBINSON.

London, Aug. 27th, 1822.

LONDON, 27th August, 1822.

Copy.

Sir,—I have the honor to report to you for the information of His Honor the Lieutenant Governor that the Bill which His Majesty's Government had determined previously to my letter to you of the 16th of May to propose to Parliament, and of which I communicated to you the heads, was submitted to the Law Officers of the Crown, whose consideration of it necessarily occupies some time, and retards its introduction; and the Secretary of State for the Colonies having in the meantime deemed it advisable to incorporate with the Bill the provisions for regulating the inland intercourse of the Canadas with the United States of America, which the change of system lately adopted with respect to the trade of the British Colonies rendered necessary, a further delay was occasioned; and near the end of the month of May the Bill, embracing those regulations of trade, and the several enactments of which I had sent you the heads, was brought into the House of Commons by Mr. Wilmot, the Under Secretary of State for the Colonies. The extreme pressure of business before Parliament occasioned the subsequent postponement of its sub-

sequent stages from day to day, but as soon as it could again be taken up it was read a second time without opposition and passed through Committee, and, at the instance of His Majesty's Government, it was ordered to be re-committed on a day as distant as the advanced period of the Session would admit, and in the meantime to be printed. One of the copies of the Bill thus printed for the use of the Commons I have lately sent you. Upon the discussion which took place after this delay several members objected strenuously to the immediate passing of that part of the Bill which provided for the union of the Legislatures on the ground that it did not appear that the people of the two Provinces were aware that so great a change was contemplated, and that they might have objections to offer which, whatever might be the decision upon them ultimately, it was contended they ought to have an opportunity of urging.

The expediency of the change proposed was not denied in the discussion, and it was affirmed by those who interceded for the delay that, admitting the union to be expedient, the terms upon which it was proposed by the Bill to effect it appeared equitable and proper.

The objection went only to the inexpediency of passing a Bill at the late period of the session, effecting an important change, of which it was alleged, there was nothing before the House to prove the necessity which had not been denied on the part of either of the Provinces, and to which it was possible one or both might be very much opposed. These objections were over-ruled by a great majority of the members present, but upon a subsequent discussion, which took place upon the 23rd July, His Majesty's Ministers, finding that those who had objected to passing during the present session those clauses which respected the union of the Legislatures persevered in their opposition on the grounds they had first taken, declared themselves unwilling to press the measure, finding it did not meet, as they had expected it would, with the general concurrence of the House, and proposed themselves what had been suggested on the former debate, that so much of the Bill as relates to the constitution of the Canadas should be separated from the rest and brought in as a separate Bill, and should pass so far through its ordinary stages as to admit of its being printed in order that it might lie over for consideration and an opportunity be afforded to the inhabitants of the two Provinces to make any representations they might desire. It was expressly declared, however, by His Majesty's Ministers, that as they were entirely convinced of the expediency and even of the necessity of the measure, they only deferred it for the present lest the opposition which had unexpectedly been given to it, though only with respect to the time of its passing, might excite a prejudice against the Bill in the minds of the people of Canada and induce them to acquiesce less cheerfully than they otherwise would in any practical inconveniences which might be felt at first from the change. That they would therefore give time for an expression of opinion, but that they would proceed with the measure the next session unless some good grounds should be shown for supposing that the union contemplated would be injurious to the great interests of the Provinces; that though they acceded to it, they regretted the delay of a measure which appeared to them the best calculated to remove all future differences between the two Canadas, and to promote their ultimate security and prosperity, and which they thought, had it passed as they anticipated, by the unanimous voice of the British Parliament, would have been received with the same conviction by the Provinces themselves. With this declaration of their impression and declaration of their intentions for the future they moved that the Committee should be instructed to divide the Bill before the House into two parts; and that the first, comprehending the proposed union, should be proceeded in no further at

present than the second reading; that it might be printed and lie over to the next Session. The latter part of the Bill, embracing the provision for regulating the inland trade of the Canadas with the United States, and the several enactments for investigating and settling the claims of the Upper Province upon the Lower, and respecting the future distribution of the duties to be levied in the latter Province upon importations by sea, of the urgent necessity of which enactments, as well as of their justice the House declared themselves satisfied, was on a subsequent day reported by the Committee. The postponement of the proposed union of the Legislatures, and the possibility of His Majesty's Government upon further consideration relinquishing the measure entirely (which supposition, however, I have not the slightest ground for entertaining) rendered it necessary to provide in the Bill about to be passed against the recurrence of future inconvenience to Upper Canada from the acts of the Legislature of the Lower Province, which would not have been necessary, or which could not consistently have been done had the Legislatures of the Canadas been united. I therefore submitted the clauses 28 and 29 in the Act as it has passed nearly in the terms which I had first proposed them in the draft which I had laid before Earl Bathurst previously to the measure of uniting the Legislatures being resolved upon by His Majesty's Government.

The necessity, also, of protecting the exports of Upper Canada against taxation, direct or indirect, by the Legislature of Lower Canada, which is much insisted upon in the report, impelled me to press for the adoption of the clause No. 30 in the Act; and I accordingly submitted it to the Under Secretary of State with the explanations contained in my letter to him, of which a copy is sent herewith, marked "A." Objections were called for and urged in writing on the part of Lower Canada against this clause, as against the enactments before proposed, and Earl Bathurst having decided upon the reasonableness of affording the protection, it was submitted and passed by the Houses with these and other amendments rendered necessary by the division of the Bill; it passed through its subsequent stages and was assented to on the 3rd August. The clause respecting tenures of lands in Lower Canada having at the suggestion of several members in the House of Commons been incorporated with it as being one of unquestionable benefit, and not connected with the measure of uniting the Legislatures, nor requiring on that account to be postponed. I now transmit to you to be laid before His Excellency the Act which was passed, with such explanations as occur to me stated in the paper marked "B," and also a copy, printed for the use of the House of Commons, of the Bill for uniting the Legislatures, which it is intended to propose again in the next Session of Parliament.

With respect to the first, I am confident in my expectations that the provisions it contains for adjusting the claims of Upper Canada, and for preventing future injury to its trade or revenue by the acts of the other Province, will be acceptable to His Excellency, and satisfactory to both Houses of the Legislature; as they conform in all respects the principles contended for, and afford, as nearly as possible, the remedies recommended by the report. The pleasure I feel at the successful issue of exertions which have necessarily been attended with much anxiety from my impression of the value of the objects contended for, greater even with respect to the future than the past, would be much lessened if I did not think every one of the provisions perfectly reconciled with the just rights, and by no means injurious to the fair interests of Lower Canada; and even with this conviction on my mind is a strong additional source of satisfaction that not one of these measures was decided upon, or even discussed or proposed, before His Majesty's Government, but in the presence of gentlemen who, though they were not accredited agents of Lower

Canada, were from their situation and experience in that Province perfectly acquainted with its interests, and well qualified by their talents to represent them; and that objections from those persons to the claims of Upper Canada were not only received but called for.

With respect to the Bill for effecting the proposed union, His Excellency will readily understand from my former communications how much I have been relieved by the manner in which it has been disposed of, as it will afford to both Provinces an opportunity of considering beforehand the probable consequences of a very material change in their constitution; which with all the reflection I have been able to give it I confess I should be extremely sorry upon my own judgment, unaided by the opinion of those equally interested in its operation, to be in any degree instrumental in promoting or defeating.

On the one hand, had my first impression with respect to the policy of uniting the Legislatures been other than it was, I should not have ventured (especially in the particular situation in which I stood) without being instructed, and even without being acquainted with the sentiments of His Excellency, or of the Legislature or the people of the Province to urge a measure of so important and delicate a nature. On the other hand, being the bearer of an appeal from the Legislature of Upper Canada, which stated injuries resulting from the present relative situation of the two Provinces, which it was declared must be ruinous if suffered to continue, and for which an entire reliance was expressed in the wisdom of His Majesty to provide us a remedy, I felt that I should be acting most inconsistently with the situation in which I stood; if, without instructions, and merely on my own idea of their unfitness, I should fly in the face of the measures which His Majesty's Government proposed as most likely to yield us the security we desired, and which, for all I knew, might appear in the same light to most of the Inhabitants of the Province. It appeared to me clearly that I could do no more than press respectfully the adoption of other measures which appeared to me preferable, and to state plainly to the Government the result of my own consideration as to the inconveniences which might be apprehended, and the benefits which might safely be anticipated from a union; and this I did as fully as was in my power, not merely in a written paper, in which what occurred to me was necessarily thrown together hastily, and on the first impression, but also verbally, on all occasions upon which I was consulted. Indeed the ready access afforded to me, and to all who manifested any interest in the affairs of Canada, while these measures were under discussion, and the unreserved personal communications with which we were honored by Earl Bathurst and by the Under Secretary of State, prevented the necessity of a written correspondence.

When His Majesty's Government, after hearing all that could be urged, resolved to propose the union, and when I knew that many members of the House of Commons who frequently opposed the measures of the Government were supporters of this, and there was every reason to believe it would meet with general concurrence, I perceived clearly that unqualified opposition on my part, had I thought the measure decidedly called for it, besides being fruitless and in the character in which I stood unwarranted might have embarrassed and rendered ineffectual my applications upon the other points, and would have deprived me of the opportunity of interceding for those modifications of the proposed union which, if the Bill should pass, will secure the inhabitants of Upper Canada, I think in the most important points as much as they can be secured under the change of circumstances; and which perhaps may, in the opinion of the inhabitants, render the measure ulti-

mately beneficial to the Province, and reconcile them to any present practical inconveniences that cannot be avoided.

It may be satisfactory to His Excellency (inasmuch as I may be supposed to have been governed by instructions received before my departure) to learn that the line of conduct which I had pursued with respect to the union was distinctly stated by the Under Secretary of State in the House of Commons. In answer to a suggestion expressed by a Member that it was a measure urged by Upper Canada by its agent in opposition to the interests and wishes of Lower Canada, he corrected the misapprehension by declaring that it originated entirely with His Majesty's Government, and was not at the instance of either Province; that so far from soliciting it on the part of Upper Canada I had resisted it in its introduction, and had never urged publicly or privately, that I had afforded every information required of me and had stated merely my own impression as to the arguments for and against it.

What may be the opinion entertained in Upper Canada upon the policy of the Bill as it now stands, I am altogether at a loss to anticipate, and now that an opportunity is afforded of judging of it in all its details it is unnecessary that I should express my own; because it is no longer of consequence. It is due, however, to the confidence reposed in me, to state everything within my knowledge which may give to the Province the full benefit of the delay which has occurred. And I will, therefore, add that it appears to me His Majesty's Government remains as strongly impressed as ever with the conviction that the contemplated union would very much add to the importance and promote the prosperity of both Provinces, and that I have, therefore, no doubt as to their present determination to press the Bill during the next Session. And as it must be obvious that neither the Government nor the Parliament of this country can be influenced in their adoption of the measure by any other possible motive than a desire to advance the welfare and increase the value of the colonies; so it must be expected that if, notwithstanding any objections that may be urged, it shall appear that the union will be greatly beneficial to the two Provinces combined, an apprehension of slight practical inconveniences to either, or a more general repugnance to the measure, not accounted for on rational grounds will not be suffered to prevent it. I state this in order to impress my conviction that it will be important principally to consider the permanent consequences and the balance of good or evil likely to arise, and I should feel it a great injustice to His Majesty's Government not to add an assurance from my own experience that representations upon these subjects respectfully urged will be sure to be patiently received and most scrupulously weighed.

As to the probable determination of Parliament upon the measure, I can only state that I attended the discussions on the Bill and that I heard no opposition whatever offered to the principle, but that the expediency of uniting the Legislatures seemed to be the prevailing opinion, and that had the Government passed it the last Session the number of those who resisted it on the ground of time only was by no means sufficient to have prevented the Bill passing. I mention these facts that they may assist in forming a judgment of the probable issue of the measure. It was suggested in discussion in the House that witnesses should be examined at the bar, as in the year 1791, and either Province heard by counsel if it requested it. What steps the Province of Lower Canada may take I cannot conjecture. Some few merchants here connected with that Province petitioned at a very late period of the Session in favor of the Bill, and their Petition has been ordered to be printed. Other

gentlemen of the same class prefer a remonstrance to His Majesty's Government against it, and Mr. Marryatt, a member of the House of Commons, declared that he had received many communications from persons connected with that Province who were unfriendly to the union. One thing strikes me as most important to be attended to, whatever may be the opinion as to the Bill in its present shape, and that is, if the change does take place and in consequence of the representations of Lower Canada it should be effected upon terms which will give to Upper Canada less influence in the joint representation, or without any of the restrictions interposed to secure its interests, it may have the effect of making the latter Province a mere dependency upon the other; which I cannot but believe would be very fatal to its growing prosperity, and that consequently it is most important if the Bill should pass that it should pass in these respects unaltered.

Nothing further occurs to me which it can be of service to state respecting this measure, but it remains that I should entreat His Excellency's earliest attention to the very perplexing situation in which I am placed by its being thus depending. The business which I was deputed to urge is fully accomplished by the Act which I now send out, and nothing remains of those matters with which I am officially charged which should longer detain me from the discharge of my public duties in the Province, or from attending to my private affairs, from which much longer separation will be attended with severe inconvenience and loss; but, feeling deeply the interest which attaches to the approaching discussion, it appears to me that though the confidence of the Government and of the Legislature was reposed in me for other purposes which are fulfilled, I must in this unforeseen state of things consider myself so far the public agent that I cannot, at least without the sanction of His Excellency, withdraw myself from this country before the measure is disposed of, in the result of which and indeed in its minutest detail, the future political state of the Province, and consequently its future welfare and happiness, are so deeply concerned.

To attend to the further progress of this measure, as representing the interests of Upper Canada, involves a responsibility which I would not willingly see committed to other hands, but which, if possessed of the confidence and informed of the sentiments and wishes of the Province, I could not properly decline; and from which at all events I should feel it a reproach to fly. It would be very gratifying to me to assist in the deliberations to which the agitation of this question will probably lead in the Legislature of the Province, but not yet determined what course to take in a situation which many considerations concur to render very embarrassing. I have endeavored in this and former communications to put His Excellency in possession of all the information which I could communicate were I present either respecting the Bill depending or the Act which has been passed.

I forgot whether in my note, written hastily to you immediately on my perceiving the probability of the present result of the discussion before Parliament, I made any observation on the situation in which it placed me. If in the satisfaction I felt in the prospect of that result such a consideration did not so immediately occur to me, I think it will not have failed to suggest itself to His Excellency, and I earnestly hope I may receive some communication from you in answer to that note which may put me in possession of His Excellency's sentiments on that head. If not, I take the liberty of begging to be favored with them as speedily as possible in reply to this letter. In the former case the communication would certainly arrive in time, and in the latter it possibly might to enable me to return to Canada

so as to attend the Session of the Legislature at the ordinary period, if His Excellency should think I might with propriety leave this country.

I have the honor to be, etc.,

(Signed) JNO. B. ROBINSON.

To Major Hillier,

Secretary to His Excellency, the Lieutenant Governor.

Ordered that twenty-five copies of the communication from the Commissioner in England, with the Canada Trade and Union Bills, be printed for the use of this House, and that the printer of the Upper Canada *Gazette* be directed to send the same to each Member of this House with the *Gazette*, and charge the same to the House.

On motion made and seconded, the House adjourned until to-morrow at two o'clock p.m.

Friday, 24th January, 1823.

The House met pursuant to adjournment. Present: The Hons. William Dummer Powell, Speaker; John McGill, William Dickson, Thomas Clark, George Crookshanks, Rev. John Strachan, Angus McIntosh, Joseph Wells, George H. Markland and John Henry Dunn. Prayers were read.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up and delivered at the Bar of this House a message in the following words:

Mr. Speaker: The Commons House of Assembly have assented to the amendments made by the Honorable the Legislative Council in and to the Bill intituled "An Act to provide for the establishment of Courts in the District of Bathurst; and for other purposes therein mentioned."

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly,

23rd January, 1823.

A deputation from the Commons House of Assembly being announced, it was admitted and brought up for the concurrence of this House a Bill intituled "An Act to repeal an Act passed in the fifty-eighth year of His late Majesty's reign, intituled 'An Act to authorize the enquiry and trial of offences committed within this Province without the limits of any described county or township thereof.'"

The deputation having withdrawn, the Bill was read the first time, and on motion made and seconded, ordered to be read a second time on Tuesday next.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into consideration the messages of His Excellency the Lieutenant Governor received yesterday, and to prepare addresses in answer thereto. House in Committee. Mr. Strachan in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said messages into consideration and have prepared addresses in answer to them, which they submitted to the consideration of the House. Ordered that the report be accepted, and on motion made and seconded, ordered to be engrossed and read again this day.

Messrs. Crookshanks and Markland were appointed a Committee to enquire when His Excellency will be pleased to receive the addresses, and to present the same.

Pursuant to order, the addresses, being engrossed, were again read, and the question being put upon each respectively if it do now pass, was carried in the affirmative; whereupon the Speaker signed the same.

On motion made and seconded, the House adjourned till Monday next, at 2 o'clock p.m.

Monday, 27th January, 1823.

The House met pursuant to adjournment. Present: The Hons. William Dummer Powell, John McGill, William Dickson, Thomas Clark, George Crookshanks, Rev. John Strachan, Angus McIntosh, Joseph Wells, Duncan Cameron, George H. Markland and John Henry Dunn. Prayers were read.

Mr. Cameron requested leave to present a Petition from the Magistrates of the Home District. Ordered to lie upon the table.

The Committee appointed to wait upon His Excellency the Lieutenant Governor to know when he would receive the addresses of this House in answer to His Excellency's messages of the 23rd instant, reported that they had done so, and His Excellency being then ready to receive them they were presented as follows:

To His Excellency Sir Peregrine Maitland, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada and Major General Commanding His Majesty's Forces therein, etc.

May it please Your Excellency: The Legislative Council returns thanks for your Excellency's message communicating an extract from a dispatch received from His Majesty's principal Secretary of State for the Colonies in reply to the joint address of the Legislative Council and House of Assembly to His Majesty, praying that half pay be granted to the Officers of the late Incorporated Battalion of Militia.

(Signed) WILLIAM D. POWELL, Speaker.

Legislative Council Chamber,
24th January, 1823.

To His Excellency Sir Peregrine Maitland, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada and Major General Commanding His Majesty's Forces therein, etc.

May it please Your Excellency: The Legislative Council returns thanks for your Excellency's message communicating to them the papers which were received by your Excellency from the Commissioner in England.

(Signed) WM. DUMMER POWELL, Speaker.

Legislative Council Chamber,
24th January, 1823.

On motion made and seconded, the House adjourned until to-morrow at 2 o'clock p.m.

Tuesday, 28th January, 1823.

The House met pursuant to adjournment. Present: The Hons. William Dummer Powell, Speaker; John McGill, William Dickson, Thomas Clark, Rev. John Strachan, Angus McIntosh, Joseph Wells, George H. Markland and John Henry Dunn. Prayers were read.

Pursuant to the order of the day, the Bill intituled "An Act to repeal an Act passed in the fifty-eighth year of His late Majesty's Reign, intituled 'An Act to

authorize the enquiry and trial of offences committed within the Province without the limits of any described township or county thereof," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. McIntosh in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress in the Bill, and requested leave to sit again. Ordered that the report be accepted, and leave given accordingly.

Mr. Dickson requested leave to present a Petition from John Boswell of Cobourg. Ordered to lie upon the table.

A deputation from the Commons House of Assembly being announced it was admitted and brought up for the concurrence of this House a Bill intituled "An Act to provide for the Establishment of a Public School in the District of Ottawa."

The deputation having withdrawn, the Bill was read the first time, and on motion made and seconded, ordered to be read a second time to-morrow.

On motion made and seconded, the House adjourned until to-morrow at 2 o'clock p.m.

Wednesday, 29th January, 1823.

The House met pursuant to adjournment. Present: The Hons. William Dummer Powell, Speaker; John McGill, William Dickson, Thomas Clark, George Crookshank, Rev. John Strachan, Angus McIntosh, Joseph Wells, Duncan Cameron, George H. Markland and John Henry Dunn. Prayers were read.

At 2 o'clock p.m., His Excellency the Lieutenant Governor, having come to the Legislative Council Chamber and being seated on the Throne, the Gentleman Usher of the Black Rod was ordered to direct the immediate attention of the Speaker and Members of the House of Assembly at the Bar of this House; and they being come hereto, His Excellency was pleased in His Majesty's name to assent to the following Bills:

1. An Act to provide for the establishment of Courts in the District of Bathurst, and for other purposes therein mentioned.

2. An Act to amend and extend the provisions of an Act passed in the second year of His Majesty's Reign, intituled "An Act to make provision for the Improvement of the Internal Navigation of this Province."

The Speaker and Members of the House of Assembly having withdrawn, His Excellency the Lieutenant Governor was pleased to retire. Whereupon the House adjourned.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled "An Act for the relief of John Boswell."

The deputation having withdrawn, the Bill was read a first time, and on motion made and seconded, ordered to be read a second time to-morrow.

Pursuant to the order of the day a Bill intituled "An Act to provide for the establishment of a Public School in the District of Ottawa" was read a second time; and on motion made and seconded, the House resolved itself into a Committee of the Whole to take the same into consideration. The House in Committee. Mr. Wells in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill, and recommended it to the adoption of the House.

Ordered that the report be accepted, and on motion made and seconded, that the Bill be read a third time to-morrow.

On motion made and seconded, the House adjourned until to-morrow at 2 o'clock p.m.

Thursday, 30th January, 1823.

The House met pursuant to adjournment. Present: The Hons. William Dummer Powell, Speaker; John McGill, William Dickson, Thomas Clark, George Crookshank, Rev. John Strachan, Angus McIntosh, Joseph Wells, George H. Markland, and John Henry Dunn. Prayers were read.

Pursuant to the order of the day, the Bill intituled "An Act to provide for the establishment of a Public School in the District of Ottawa" was read a third time, and the question being put if the Bill do now pass, it was carried in the affirmative, whereupon the Speaker signed the same, and it was by the Master in Chancery carried down and returned to the Commons House of Assembly.

Pursuant to the order of the day, the Bill intituled "An Act for the relief of John Boswell" was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Markland in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein and requested leave to sit again this day. Ordered that the report be accepted and leave given accordingly.

On motion made and seconded the House adjourned during pleasure.

The House formed.

A message from His Excellency the Lieutenant Governor being announced, Major Hillier was admitted, and delivered to the Speaker, by command of His Excellency, the Public Accounts accompanied by a message. Major Hillier having withdrawn the said message was read as follows:

P. MAITLAND.

The Lieutenant Governor in transmitting to the Honorable the Legislative Council the Public Accounts of last year, together with estimates for the service of the current year, thinks proper to remark the beneficial effects of the late enactment for the revision of Militia pensions, by which the sum required for that branch of the Public expenditure has been reduced to less than one-third of its former amount.

30th January, 1823.

On motion made and seconded, the Committee on the Bill intituled, "An Act for the relief of John Boswell," was resumed. House in Committee. Mr. Markland in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some amendments to the Bill which they recommended to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded, the amendments were ordered to be engrossed, and the Bill as amended read a third time to-morrow.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled, "An Act to permit the importation of Machinery into this Province free from duty for a limited time." The deputation having withdrawn the said Bill was read a first

time, and on motion made and seconded ordered that it be read a second time to-morrow.

On motion made and seconded it was ordered that Messrs. Markland and McIntosh have permission to absent themselves from the House for five days.

On motion made and seconded the House adjourned until to-morrow at 2 o'clock p.m.

Friday, 31st January, 1823.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell, Speaker; John McGill, William Dickson, George Crookshank, Rev. John Strachan, Joseph Wells, George H. Markland and John Henry Dunn.

Prayers were read.

Pursuant to the order of the day, the Bill intituled, "An Act for the relief of John Boswell" was read a third time as amended, and the question being put if the said Bill do now pass it was carried in the affirmative, whereupon the Speaker signed the amendments and they were with the Bill carried down by the Master in Chancery to the Commons House of Assembly.

Pursuant to the order of the day the Bill intituled, "An Act to permit the importation of machinery into this Province free from duty for a limited time," was read a second time; and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Dunn in the Chair.

The Speaker resumed the Chair. The Chairman reported the Committee had taken the said Bill into consideration, had made some progress therein, and requested leave to sit again on Wednesday next. Ordered that the report be accepted, and leave given accordingly.

On motion made and seconded the House adjourned until Monday next at 2 o'clock p.m.

Monday, 3rd February, 1823.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell, Speaker; John McGill, William Dickson, George Crookshank, Rev. John Strachan, George H. Markland and John Henry Dunn.

Prayers were read.

A deputation from the Commons House of Assembly being announced it was admitted and brought up for the concurrence of this House a Bill intituled, "An Act granting to His Majesty a sum of money for the support of a Public School in the Bathurst District," and a Bill intituled, "An Act granting to His Majesty a sum of money for the support of common schools in the Bathurst District," and also a Bill intituled, "An Act granting to His Majesty a sum of money to be applied to the payment of a salary to the Sheriff of the Bathurst District."

The deputation having withdrawn the said Bill was read a first time, and on motion made and seconded ordered to be read a second time to-morrow.

House adjourned till to-morrow at 2 o'clock p.m.

Tuesday, February 4th, 1823.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell, Speaker; John McGill, William Dickson, George Crookshank, John Strachan, Joseph Wells, George H. Markland and John Henry Dunn.

Prayers were read.

On motion made and seconded, ordered that the order of the day be discharged and made the order of the day on Thursday next.

The Honorable and Rev. Dr. Strachan requested leave to present the Petition of Ambrose Blacklock. Ordered to lie on the Table.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up and delivered at the Bar of this House the following messages and resolutions:—

Mr. Speaker: The Commons House of Assembly have concurred in the amendments made by the Hon. the Legislative Council in and to the Bill intituled, "An Act for the relief of John Boswell."

Commons House of Assembly,

Monday, 3rd February, 1823.

(Signed) LEVIUS P. SHERWOOD, Speaker.

Mr. Speaker: The Commons House of Assembly respectfully request the concurrence of the Honorable the Legislative Council in certain Resolutions they have this day adopted, a copy of which is herewith transmitted.

Commons House of Assembly,

Monday, 3rd February, 1823.

(Signed) LEVIUS P. SHERWOOD, Speaker.

Resolved that by the laws now in force in this Province all foreign Protestants are admissible to become settlers therein on conforming to the provisions contained in the said laws, and that on having done so may hold lands and enjoy all the privileges and immunities of natural born subjects within the Province.

Resolved that from ignorance of the law and unavoidable difficulties many inhabitants of the Province otherwise qualified have neglected or been unable to qualify themselves according to the law, by which means they cannot legally exercise and enjoy the rights of subjects within the same.

Resolved that some Legislative provision is absolutely necessary for quieting the minds of all such persons and securing to them the enjoyment of their rights and properties as His Majesty's subjects.

Resolved that this provision can only be made by the Imperial Parliament.

A true copy from the Minutes.

(Signed) G. POWELL, Clerk.

The deputation having withdrawn the said messages and resolutions were read and on motion made and seconded, ordered that the House do, on Thursday next resolve itself into a Committee of the Whole to take the said resolutions into consideration.

On motion made and seconded, the House adjourned until to-morrow at 6 o'clock p.m.

Wednesday, 5th February, 1823.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell, Speaker; William Dickson, George Crookshank, Rev. John Strachan, Joseph Wells, George H. Markland and John Henry Dunn.

Prayers were read.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into further consideration the Bill intituled, "An Act to permit the importation of machinery into this Province free from duty for a limited time." House in Committee. Mr. Dunn in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some further progress and requested leave to sit again on Friday next. Ordered that the report be accepted and leave given accordingly.

A deputation from the Commons House of Assembly being announced it was admitted, and brought up for concurrence a Bill intituled, "An Act to provide for the erection of a Jail and Court House in and for the Home District."

The deputation having withdrawn the Bill was read a first time, and on motion made and seconded ordered to be read a second time to-morrow.

On motion made and seconded, the House adjourned until to-morrow at 2 o'clock p.m.

Thursday, 6th February, 1823.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell, Speaker; John McGill, William Dickson, George Crookshank, Rev. John Strachan, Joseph Wells, George H. Markland and John Henry Dunn.

Prayers were read.

Pursuant to the order of the day, the Bill intituled, "An Act granting to His Majesty a sum of money for the support of Common Schools in the Bathurst District," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. McGill in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said Bill into consideration and had made some amendments thereto which they recommended to the adoption of the House. Ordered that the report be accepted.

On motion made and seconded, ordered that a conference be requested with the Commons House of Assembly on the subject matter thereof; and a message in the following words being signed by the Speaker, was by the Master in Chancery carried down and delivered to that House.

Mr. Speaker: The Honorable the Legislative Council request a conference with the Commons House of Assembly on the subject matter of the Bill intituled, "An Act granting to His Majesty a sum of money for the support of Common Schools in the Bathurst District," and have appointed a Committee of two Members who will be ready to meet the Committee of the Commons House of Assembly in the joint Committee Room for that purpose at 2 o'clock p.m. to-morrow.

Legislative Council Chamber,

6th February, 1823.

(Signed) WM. DUMMER POWELL, Speaker.

The Hons. Messrs. Strachan and Markland were appointed a Committee for that purpose.

Pursuant to the order of the day, the Bill intituled, "An Act granting to His Majesty a sum of money to be applied in the payment of a salary to the Sheriff of the Bathurst District," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Dickson in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the said Bill and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded the Bill was ordered to be read a third time to-morrow.

Pursuant to the order of the day, the Bill intituled, "An Act granting to His Majesty a sum of money for the support of a Public School in the Bathurst District," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Crookshank in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded the Bill was ordered to be read a third time to-morrow.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into consideration the resolutions of the House of Assembly received on Tuesday last. House in Committee. Mr. Strachan in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said resolutions into consideration, had made some progress therein, and requested leave to sit again on Monday next. Ordered that the report be accepted and leave given accordingly.

Pursuant to the order of the day, the Bill intituled, "An Act for the erection of a Jail and Court House in and for the Home District," was read a second time, and on motion made and seconded, the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Wells in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded the Bill was ordered to be read a third time to-morrow.

On motion made and seconded the House adjourned until to-morrow at 2 o'clock p.m.

Friday, 7th February, 1823.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell, Speaker; John McGill, William Dickson, Thomas Clark, Rev. John Strachan, Angus McIntosh, Joseph Wells, George H. Markland, and John H. Dunn.

Prayers were read.

Pursuant to the order of the day, the Bill intituled, "An Act for granting to His Majesty a sum of money for the support of a Public School in the Bathurst District," was read a third time, and the question being put if the Bill do now pass. it was carried in the affirmative, whereupon the Speaker signed the same.

Pursuant to the order of the day the Bill intituled, "An Act granting to His Majesty a sum of money to be applied in payment of a salary to the Sheriff of the

Bathurst District," was read a third time, and the question being put if the said Bill do now pass, it was carried in the affirmative, whereupon the Speaker signed the same.

Pursuant to the order of the day the Bill intituled, "An Act to provide for the erection of a Jail and Court House in and for the Home District," was read a third time, and the question if the Bill do now pass being put it was carried in the affirmative, whereupon the Speaker signed the same, and the said Bills were by the Master in Chancery carried down and returned to the Commons House of Assembly.

A deputation from the Commons House of Assembly being announced, it was admitted and brought up and delivered a message in the following words:

Mr. Speaker: The Commons House of Assembly have appointed a Committee of four of its members to confer with the Committee appointed by the Honorable the Legislative Council on the subject matter of the Bill intituled, "An Act granting to His Majesty a sum of money for the support of Common Schools in the Bathurst District," in the joint Committee Room at 2 o'clock p.m. to-morrow.

Commons House of Assembly,

Thursday, 6th February, 1823.

(Signed) LEVIUS P. SHERWOOD, Speaker.

The Deputation having withdrawn the said message was read.

The Committee appointed to confer with the Committee of the Commons House of Assembly on the subject matter of the Bill intituled, "An Act granting to His Majesty a sum of money for the support of Common Schools in the Bathurst Districts," reported that they had done so.

A deputation from the Commons House of Assembly being announced, it was admitted and brought up for the concurrence of this House a Bill intituled, "An Act to authorize the licensing of Ale Houses in certain Towns and Villages in this Province."

The deputation having withdrawn the said Bill was read a first time, and ordered to be read a second time on Monday next.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into further consideration the Bill intituled, "An Act to permit the importation of machinery into this Province free from duty for a limited time." House in Committee. Mr. Dunn in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill and had made some amendments thereto which they recommended to the adoption of the House. Ordered that the report be accepted.

On motion made and seconded the amendments were read, ordered to be engrossed, and the Bill as amended ordered to be read a third time on Monday next.

A deputation from the Commons House of Assembly being announced it was admitted, and brought up for the concurrence of this House a Bill intituled, "An Act for the relief of Religious Societies."

The deputation having withdrawn the said Bill was read a first time, and on motion made and seconded ordered to be read a second time on Tuesday next.

The Honorable and Rev. John Strachan gave notice that he should, on Tuesday next, move that a Committee be appointed to take into consideration the petition of Ambrosé Blacklock.

On motion made and seconded the House adjourned until Monday next at 6 o'clock p.m.

Monday, 10th February, 1823.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell, Speaker; John McGill, William Dickson, Thomas Clark, George Crookshank, Rev. John Strachan, Angus McIntosh, Joseph Wells.

Prayers were read.

Pursuant to the order of the day the Bill intituled, "An Act to permit the importation of machinery into this Province free from duty for a limited time," was read a third time as amended, and the question being put if the said Bill as amended do now pass it was carried in the affirmative, whereupon the Speaker signed the amendments and the Bill as amended was by the Master in Chancery carried down and returned to the Commons House of Assembly.

Pursuant to the order of the day the Bill intituled, "An Act to authorize the licensing of Ale Houses in certain towns and villages in this Province," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Clark in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill and recommended it to the adoption of the House. Ordered that the Report be accepted, and on motion made and seconded ordered to be read a third time on Thursday next.

A deputation from the Commons House of Assembly being announced, it was admitted and brought up and delivered a message in the following words:

Mr. Speaker: The Commons House of Assembly requests that the Honorable the Legislative Council will appoint a Committee to take into consideration with a Committee of this House that part of His Excellency's Speech at the opening of the present Session relative to the Bill proposed by the Commons of the Imperial Parliament at its last session, for Uniting the Legislatures of Upper and Lower Canada.

Commons House of Assembly,

7th February, 1823.

(Signed) LEVIUS P. SHERWOOD, Speaker.

The deputation having withdrawn the said message was read, and on motion made and seconded ordered that the House do on to-morrow resolve itself into a Committee of the Whole to take the said message into consideration.

Pursuant to the order of the day the House resolved itself into a Committee of the Whole to take into further consideration the Resolutions of the Commons House of Assembly received the 4th instant. House in Committee. Mr. Strachan in the Chair.

The Speaker resumed the Chair.

The Chairman reported that the Committee had made further progress and requested leave to sit again. Ordered that the report be accepted, and leave given accordingly.

On motion made and seconded the House adjourned until to-morrow at 1 o'clock p.m.

Tuesday, 11th February, 1823.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell, Speaker; John McGill, William Dickson, Thomas Clark, George Crookshank, Rev. John Strachan, Angus McIntosh, Joseph Wells and George H. Markland.

Prayers were read.

Pursuant to the order of the day the Bill intituled, "An Act for the relief of Religious Societies," was read a second time, and on motion made and seconded ordered that the House do resolve itself into a Committee to take the Bill into consideration this day three months.

Pursuant to the order of the day the House resolved itself into a Committee of the Whole to take into consideration the message of the Commons House of Assembly requesting the appointment of a Committee to take into consideration, jointly with a Committee of the Commons House of Assembly, that part of His Excellency the Lieutenant Governor's Speech at the opening of the present Session relative to the proposed Union of the two Legislatures of Lower and Upper Canada. House in Committee, Mr. McIntosh in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the message into consideration, and recommended that a Committee be appointed for the purpose proposed in the said message. Ordered that the Report be accepted, and on motion made and seconded the Honorable Messrs. Dickson, Clark, Crookshank, Strachan, Wells and Markland were appointed a Committee for that purpose, and a message in the following words, being signed by the Speaker, was by the Master in Chancery carried down and delivered to the Commons House of Assembly:—

Mr. Speaker: The Honorable the Legislative Council have acceded to the request of the Commons House of Assembly and have appointed a Committee of six members to take into consideration, jointly with a Committee of the Commons House of Assembly, that part of His Excellency's Speech at the Opening of the present Session, relative to the Bill proposed to the Commons of the Imperial Parliament at its last Session for uniting the Legislatures of Upper and Lower Canada. The Committee of the Honorable the Legislative Council will be ready to meet the Committee of the Commons House of Assembly in the joint Committee Room on Thursday next at 12 o'clock noon.

Legislative Council Chamber,

11th February, 1823.

(Signed) WM. DUMMER POWELL, Speaker.

A message from His Excellency the Lieutenant Governor being announced Major Hillier was admitted and delivered to the Speaker the following messages:

P. MAITLAND.

The Lieutenant Governor thinks proper to call the attention of the Honorable the Legislative Council to the amount of Provincial funds vested in the Bank of Upper Canada. The prudence of the Legislative Council, the Lieutenant Governor imagines, will think it necessary to embrace the earliest occasion for altering the present legal regulations in such a manner as to ensure the public a representation on a suitable scale at the Board for directing the affairs of that institution.

Government House, 12th February, 1823.

P. MAITLAND.

The Lieutenant Governor transmits to the Honorable the Legislative Council Copy of the General Statement of the duties levied at the Port of Quebec from the 6th July to the 10th October, 1822, together with a note thereon by the Acting Inspector General.

(Signed) P. MAITLAND.

Government House, 12th February, 1823.

Major Hillier having withdrawn, the said messages were read.

On motion made and seconded the House resolved itself into a Committee of the Whole to prepare instructions for the Committee appointed to meet the Committee of the Commons House of Assembly on Thursday next. House in Committee. Mr. Wells in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had agreed to certain instructions for their Committee, which they recommended to the adoption of the House. Ordered that the Report be accepted, and the instructions, being read as follows, were ordered to be adopted.

Instructions: That the Committee be instructed to adopt such a general intermediate course as will best express a full sense of the present prosperity which they owe to His Majesty's Government, which has been so graciously secured by past and present enactments, and declare their willingness to rely with confidence in the wisdom and policy which have hitherto directed His Majesty's great and glorious empire.

On motion made and seconded the House adjourned until Thursday next at 2 o'clock p.m.

Thursday, 13th February, 1823.

The House met pursuant to adjournment. Present: The Hons. William Dummer Powell, Speaker; John McGill, William Dickson, Thomas Clark, George Crookshank, Rev. John Strachan, Angus McIntosh, Joseph Wells, Duncan Cameron and George H. Markland. Prayers were read.

The Committee appointed to meet the Committee of the Commons House of Assembly to take into consideration that part of His Excellency's Speech relative to the proposed Union of the Legislatures of the Provinces of Upper and Lower Canada, reported that they had met the Committee of the Commons House of Assembly and had adjourned till a future time. Ordered that the Report be accepted.

On motion made and seconded, ordered that the instructions given by this House on Tuesday last to its Committee be rescinded.

On motion made and seconded, ordered that so much of the order of the day as relates to the third reading of the Bill intituled, "An Act to authorize the licensing of Ale Houses in certain towns and villages in this Province," be discharged, and that the Bill be now re-committed. House in Committee, Mr. Clark in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Bill into further consideration and recommended that a conference be requested with the Commons House of Assembly on the subject matter hereof. Ordered that the report be accepted; and the Hon. Messrs. Wells and Markland being appointed a Committee for that purpose, a message in the following words, being signed by the Speaker, was by the Master-in-Chancery carried down to the Commons House of Assembly:—

Mr. Speaker: The Hon. the Legislative Council request a conference with the Commons House of Assembly on the subject matter of the Bill intituled, "An Act to authorize the licensing of Alehouses in certain towns and villages in this Province," and have appointed a Committee of two members, who will be ready to meet a Committee of the Commons House of Assembly in the Joint Committee Room at twelve o'clock noon, to-morrow.

(Signed) WM. DUMMER POWELL, Speaker.

Legislative Council Chamber, 13th Feby., 1823.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled, "An Act to provide for the completion of the Gaol and Courthouse in the London District of this Province." The deputation having withdrawn, the said Bill was read a first time, and on motion made and seconded, ordered to be read a second time to-morrow.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up and delivered a message in the following words:—

Mr. Speaker: The Commons House of Assembly have appointed a Committee of four of its members to confer with the Committee appointed by the Honorable the Legislative Council on the subject matter of the Bill intituled, "An Act to authorize the licensing of Alehouses in certain towns and villages in this Province.

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 13th February, 1823.

The deputation having withdrawn, the said message was read.

The Hon. and Rev. Dr. Strachan requested leave to present the petition of the President, Directors and Company of the Bank of Upper Canada. Ordered to lie on the Table.

The Honorable William Dickson requested leave to present the petition of Matthew Crooks of Ancaster, Esquire. Ordered to lie on the table.

On motion made and seconded, the House adjourned until to-morrow at 2 o'clock p.m.

Friday, 14th February, 1823.

The House met pursuant to adjournment. Present: The Hons. William Dummer Powell, Speaker, John McGill, William Dickson, Thomas Clark, George Crookshank, Rev. Jno. Strachan, Angus McIntosh, Joseph Wells, Duncan Cameron and Geo. H. Markland. Prayers were read.

The Committee appointed to confer with the Committee of the Commons House of Assembly on the subject matter of the Bill intituled, "An Act to authorize the licensing of Alehouses in certain towns and villages in this Province," reported that they had done so.

Pursuant to the order of the day, the Bill intituled, "An Act to provide for the completion of the Gaol and Courthouse in the London District of this Province," was read a second time; and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee, Mr. Cameron in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress in the Bill; and recommended that a conference be requested with the Commons House of Assembly on the subject matter thereof. Ordered that the report be accepted.

The Hon. Messrs. Dickson and Crookshank were appointed a Committee for that purpose, and a message in the following words, being signed by the Speaker. was by the Master-in-Chancery carried down to the Commons House of Assembly.

Mr. Speaker: The Honorable the Legislative Council request a conference with the Commons House of Assembly on the subject matter of the Bill intituled, "An Act to provide for the completion of the Gaol and Courthouse in the London

District of this Province," and have appointed a Committee of two members who will be ready to meet a Committee of the Commons House of Assembly for that purpose in the Joint Committee Room at 12 o'clock noon, on Monday next.

(Signed) WM. DUMMER POWELL, Speaker.

Legislative Council Chamber, 14th February, 1823.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into consideration the message from His Excellency the Lieutenant Governor respecting the amount of Provincial funds vested in the Bank of Upper Canada; and to prepare an address in answer thereto. House in Committee. Mr. Markland in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said message into consideration, and had prepared an address which they recommended to the adoption of the House. Ordered that the Report be accepted, and on motion made and seconded, the address was read, ordered to be engrossed and read again on Monday next.

On motion made and seconded the House resolved itself into a Committee of the Whole to take into consideration the 47th Rule of this House. House in Committee, Mr. McGill in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had prepared a resolution; which they recommended to the adoption of the House. Ordered that the report be accepted.

On motion made and seconded, the resolution was read and ordered to be adopted, as follows:—

Resolved, that the 47th Rule does not relate to cases in which application is made for the loan of a sum of money for the purpose of building a Gaol or Court House in any District by consent of the Magistrates in Quarter Sessions assembled when no new tax is to be levied in the District; provided no opposition appears to exist against the measure.

On motion made and seconded, the House adjourned until Monday next at two o'clock, p.m.

Monday, 17th February, 1823.

The House met pursuant to adjournment. Present: The Hons. William Dummer Powell, Speaker; John McGill, William Dickson, Thomas Clark, George Crookshank, John Strachan, Angus McIntosh, Joseph Wells, Duncan Cameron and George H. Markland. Prayers were read.

Pursuant to the order of the day, the Address in answer to the message from His Excellency the Lieutenant Governor was read a third time, and the question if it do now pass being put, was carried in the affirmative. Whereupon the Speaker signed the same, and the Hon. Messrs. Wells and Cameron were appointed a Committee to wait upon His Excellency, to know when he would be pleased to receive the Address, and to present the same as follows:

To His Excellency Sir Peregrine Maitland, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding His Majesty's Forces therein, etc.

May it please Your Excellency: The Legislative Council return thanks for Your Excellency's message respecting the amount of Provincial funds vested in the

Bank of Upper Canada; and will embrace an early opportunity of considering the necessity of a change in the present legal regulations in such a manner as shall ensure to the public an equitable representation at the Board for directing the affairs of that institution.

(Signed) WM. DUMMER POWELL, Speaker.

Legislative Council Chamber,
17th February, 1823.

The Committee appointed to meet the Committee of the Commons House of Assembly, to take into consideration that part of His Excellency's Speech respecting the proposed union of the Legislatures of the two provinces, reported that they had done so.

The Hon. Mr. Dickson requested leave to present the petition of sundry inhabitants of the Province of Upper Canada against Orange Societies, and all party distinctions. Ordered to lie on the table.

The Hon. Mr. Markland gave notice that he would on Wednesday next move "That the House do resolve itself into a Committee of the Whole on that part of His Excellency's Speech which relates to the projected Union."

On motion made and seconded, the House adjourned until to-morrow at 2 o'clock p.m.

Tuesday, 18th February, 1823.

The House met pursuant to adjournment. Present: The Hons. Wm. Dummer Powell, Speaker; John McGill, William Dickson, Thomas Clark, George Crookshank, John Strachan, Angus McIntosh, Joseph Wells, Duncan Cameron and Geo. H. Markland. Prayers were read.

The Hon. and Rev. John Strachan present a Bill relative to the Bank of Upper Canada, which was read a first time, and on motion made and seconded, ordered to be read a second time to-morrow.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled "An Act to continue for a limited time an Act passed in the fifty-eighth year of His late Majesty's reign, intituled 'An Act to continue, repeal part of and amend an Act passed in the fifty-sixth year of His Majesty's reign, intituled an Act granting to His Majesty duties on licenses to Hawkers, Pedlars and Petty Chapmen, and other trading persons therein mentioned, and to extend the provisions of the same'; and a Bill intituled 'An Act to continue for a limited time an Act passed in the fifty-eighth year of His Majesty's reign, intituled An Act granting to His Majesty a duty on licenses to Auctioneers, and on goods, wares and merchandise sold by auction.'"

The deputation having withdrawn, the said Bill was read a first time, and on motion made and seconded, ordered to be read a second time to-morrow.

The deputation also brought up for the concurrence of this House a Bill intituled "An Act to repeal part of the tenth clause of an Act passed in the forty-eighth year of His late Majesty's reign, intituled 'An Act to explain, amend and reduce to one Act of Parliament the several laws now in being for the raising and training the Militia of this Province'; and also part of an Act passed in the last Session of the present Parliament, intituled 'An Act to repeal part of and amend the laws now in force for the raising and training the Militia of this Province,' and to increase the strength of the Companies of Militia," which was read a first time, and ordered to be read a second time on Thursday next.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up and delivered a message in the following words:

Mr. Speaker: The Commons House of Assembly has appointed a Committee to confer with the Committee appointed by the Honorable the Legislative Council on the subject matter of the Bill intituled "An Act to provide for the completion of the Gaol and Courthouse in the London District of this Province," in the joint Committee Room, at 12 o'clock this day.

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly,
17th February, 1823.

The deputation having withdrawn, the message was read.

The Committee appointed to confer with the Committee of the Commons House of Assembly on the subject of the Bill intituled "An Act to provide for the completion of the Gaol and Courthouse in the London District of this Province," reported that they had received from the Committee of the House of Assembly full assurance of petitions having been prepared and signed by the Magistrates of the London District respectively to the Legislative Council and Assembly, praying that such an Act might pass, but that the petition transmitted to the Legislative Council had been lost or mislaid, and that the tenor thereof was the same as that presented to the House of Assembly now accompanying this report.

On motion made and seconded, the House resolved itself into a Committee of the Whole, to take the same into consideration. House in Committee. Mr. Cameron in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill, and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded, that the Bill be read a third time to-morrow.

The Honorable Mr. Markland gave notice that he should move on Thursday next that the thanks of this House be given to John Beverley Robinson, Esquire, His Majesty's Attorney General for this Province, for the distinguished manner in which he has performed the important service intrusted to his charge by His Excellency the Lieutenant Governor.

On motion made and seconded, the House adjourned until to-morrow at two o'clock p.m.

Wednesday, 19th February, 1823.

The House met pursuant to adjournment. Present: The Hons. Wm. Dummer Powell, Speaker; John McGill, William Dickson, Thomas Clark, George Crookshank, Rev. Jno. Strachan, Angus McIntosh, Geo. H. Markland and Jno. H. Dunn. Prayers were read.

Pursuant to the order of the day, the Bill intituled "An Act to provide for the completion of the Gaol and Courthouse in the London District of this Province" was read a third time; and the question if it do now pass being put, was carried in the affirmative; whereupon the Speaker signed the same, and it was by the Master-in-Chancery carried down to the House of Assembly.

Pursuant to the order of the day, the Bill relative to the Bank of Upper Canada was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Dickson in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill, and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded the Bill was ordered to be engrossed and read a third time on Friday next.

Pursuant to the order of the day, the Bill intituled "An Act to continue for a limited time an Act passed in the fifty-eighth year of the reign of His late Majesty, intituled 'An Act to continue, repeal part of, and amend an Act passed in the fifty-sixth year of His Majesty's reign, intituled an Act granting to His Majesty duties on Licenses to Hawkers, Pedlars and Petty Chapmen, and other trading persons therein mentioned, and to extend the provisions of the same,'" was read a second time, and on motion made and seconded, the House resolved itself into a Committee of the whole to take the same into consideration. The House in Committee. Mr. Clark in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill, and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded the Bill was ordered to be read a third time on Friday next.

Pursuant to the order of the day, the Bill intituled "An Act to continue for a limited time an Act passed in the fifty-eighth year of His late Majesty's reign, intituled 'An Act granting to His Majesty a Duty on Licenses to Auctioneers, and on goods, wares and merchandise sold by Auction,'" was read a second time, and on motion made and seconded, the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Crookshank in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill, and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded, that the Bill be read a third time on Friday next.

The Hon. Mr. Markland requested leave to postpone his motion for the House to take into consideration that part of His Excellency the Lieutenant Governor's Speech relative to the proposed union of the two Provinces until to-morrow.

On motion made and seconded, the House adjourned until to-morrow at twelve o'clock.

Thursday, 20th February, 1823.

The House met pursuant to adjournment. Present: The Hons. Wm. Dummer Powell, Speaker; John McGill, William Dickson, Thomas Clark, George Crookshank, Rev. John Strachan, Angus McIntosh, Joseph Wells, Duncan Cameron and Geo. H. Markland. Prayers.

Pursuant to the order of the day, the Bill intituled "An Act to repeal part of the tenth clause of an Act passed in the forty-eighth year of His late Majesty's reign, intituled 'An Act to explain, amend and reduce to one Act of Parliament the several laws now in being for the raising and training the Militia of this Province,' and also part of an Act passed in the last Session of the present Parliament, intituled 'An Act to repeal part of and amend the laws now in force for raising and training of the Militia of this Province,' and to increase the strength of the Companies of Militia," was read a second time, and on motion made and seconded, the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Strachan in the Chair.

The Speaker resumed the chair. The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and requested leave to sit again on Tuesday next.

A deputation from the Commons House of Assembly being announced, was admitted, and brought up for the concurrence of this House a Bill intituled "An Act to establish a Police in the Town of Belleville."

The deputation having withdrawn, the Bill was read a first time, and on motion made and seconded, ordered to be read a second time to-morrow.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled "An Act for the relief of Teachers in Common Schools in the Niagara District."

The deputation having withdrawn, the Bill was read a first time, and on motion made and seconded, ordered to be read a second time to-morrow.

On motion made and seconded, the House resolved itself into a Committee of the Whole, to take into consideration that part of His Excellency's Speech which relates to the projected union of the Legislatures of the two Provinces. House in Committee. Mr. McIntosh in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress therein, and requested leave to sit again to-morrow. Ordered that the report be accepted, and leave given accordingly.

The Honorable Mr. Markland requested leave to postpone his motion of thanks to John Beverley Robinson, Esquire, until Monday next.

On motion made and seconded, the House adjourned until to-morrow at two o'clock p.m.

Friday, 21st February, 1823.

The House met pursuant to adjournment. Present: The Hon^s. Wm. Dummer Powell, Speaker; John McGill, Thomas Scott, William Dickson, Thomas Clark, Geo. Crookshank, Rev. Jno. Strachan, Angus McIntosh, Joseph Wells, Duncan Cameron and Geo. H. Markland. Prayers were read.

Pursuant to the order of the day, the Bill relative to the Bank of Upper Canada was read a third time, and on motion made and seconded it was ordered that the title be "An Act to amend and repeal part of an Act intituled 'An Act to incorporate sundry persons under the style and title of the President, Directors and Company of the Bank of Upper Canada'"; and the question being put if the Bill do now pass was carried in the affirmative; whereupon the Speaker signed the same.

Pursuant to the order of the day, the Bill intituled "An Act to continue for a limited time an Act passed in the fifty-eighth year of His late Majesty's reign, intituled 'An Act to continue, repeal part of, and amend an Act passed in the fifty-sixth year of His Majesty's reign, intituled 'An Act granting to His Majesty duties on licenses to Hawkers, Pedlars and Petty Chapmen, and other trading persons therein mentioned,' and to extend the provisions of the same," was read a third time, and the question if it do now pass being put, was carried in the affirmative; whereupon the Speaker signed the same.

Pursuant to the order of the day, the Bill intituled "An Act to continue for a limited time an Act passed in the fifty-eighth year of His late Majesty's reign, intituled 'An Act granting to His Majesty a duty on licenses to Auctioneers, and on goods, wares and merchandise sold by auction,'" was read a third time; and the question being put if it do now pass was carried in the affirmative; whereupon the Speaker signed the same, and the said Bills were by the Master-in-Chancery carried down to the House of Assembly.

Pursuant to the order of the day, the Bill intituled "An Act to establish a Police in the Town of Belleville" was read a second time; and on motion made and seconded, ordered that the House do resolve itself into a Committee of the Whole to take the same into consideration this day three months.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled "An Act to repeal an Act passed in the thirty-second year of His late Majesty's reign, intituled 'An Act to establish the Winchester Measure, and a standard for other weights and measures throughout this Province,' and to make more effectual provision for the establishment of weights and measures throughout this Province.'"

The deputation having withdrawn, the said Bill was read a first time, and on motion made and seconded, ordered to be read a second time on Monday next.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled "An Act to repeal part of an Act passed in the thirty-third year of His Majesty's reign, intituled 'An Act to establish a Court of Probate in this Province, and also a Surrogate Court in every District thereof,' and also part of an Act passed during the last Session of the present Parliament, intituled 'An Act to reduce into one Act the several laws now in force establishing District Courts,' and also part of an Act passed during the present Session, intituled 'An Act to provide for the establishment of Courts in the District of Bathurst, and for other purposes therein mentioned,' and also to alter the times of holding the District and Surrogate Courts, and further to extend the powers of the said District Courts."

The deputation having withdrawn, the said Bill was read a first time; and on motion made and seconded, ordered to be read a second time on Tuesday next.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into further consideration that part of His Excellency's Speech relative to the projected union of the Legislatures of the two Provinces. House in Committee. Mr. McIntosh in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had agreed to certain resolutions, which they recommended to the adoption of the House. Ordered that the report be accepted, and the resolutions being read as follows, the question was put if they be adopted, and carried in the affirmative.

Resolved, That we acknowledge with feelings of the most lively gratitude the paternal consideration of His Majesty in graciously affording us an opportunity of expressing our sentiments on the proposed change to the Constitution given to the inhabitants of this Province by our late much lamented and revered Sovereign, under which we have attained an eminent degree of happiness and prosperity.

Resolved, That since the period at which our rights were so beneficently secured to us, we can constantly trace the watchful care of His Majesty's Government over our interests, which was most fully displayed by the gracious attention paid to our last prayer, and the speedy and satisfactory relief afforded to us from difficulties in our fiscal and commercial relations with Lower Canada, which were pressing and increasing.

Resolved, That although we feel it due to ourselves thus to express our sense of the distinguished advancement we owe to that constitution, and to the constant care of His Majesty's Government, we confess our inability to decide upon the general policy of a measure which may have been suggested by considerations not connected with either Province, and therefore entirely confide in the justice and beneficence so long experienced, humbly hoping that if the Union should be finally

determined upon it will be so modified as to render them essentially and truly a British Colony.

Resolved, that an Humble Address be presented to His Majesty, expressing our attachment both in principle and affection to His Royal Person, and gratitude for past and present benefits; and our full reliance upon that wisdom and policy which have hitherto directed his great and glorious career.

On motion made and seconded, the Hon. Messrs. Clark, Strachan and Markland were appointed a Committee to prepare an humble address to His Majesty, in conformity to the foregoing resolutions.

On motion made and seconded, the House adjourned until Monday next, at one o'clock p.m.

Monday, 24th February, 1823.

The House met pursuant to adjournment. Present: The Hons. Wm. Dummer Powell, Speaker; John McGill, William Dickson, Thomas Clark, George Crookshank, Rev. Jno. Strachan, Angus McIntosh, Joseph Wells, Duncan Cameron and George H. Markland. Prayers were read.

Pursuant to the order of the day, the Bill intituled, "An Act for the relief of Teachers of Common Schools in the Niagara District," was read a second time; and on motion made and seconded, the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee, Mr. Cameron in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress in the Bill, and requested leave to sit again on Thursday next. Ordered that the report be accepted, and leave given accordingly.

Pursuant to the order of the day, the Bill intituled, "An Act to repeal an Act passed in the thirty-second year of His late Majesty's reign intituled 'An Act to establish the Winchester measure and a standard for other weights and measures throughout this Province, and to make more effectual provision for the establishment of an uniformity of weights and measures throughout this Province,'" was read a second time, and on motion made and seconded, the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee, Mr Wells in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress in the Bill, and requested leave to sit again on Thursday next. Ordered that the report be accepted and leave given accordingly.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled, "An Act granting to His Majesty a sum of money for the purposes therein mentioned." The deputation having withdrawn, the said Bill was read a first time, and on motion made and seconded, ordered to be read a second time to-morrow.

The deputation also brought up a Bill intituled, "An Act to confirm certain marriages heretofore contracted in this Province," and a Bill intituled, "An Act for the relief of Matthew Crooks," which were read a first time, and on motion made and seconded, ordered to be read a second time on Wednesday next.

A deputation from the Commons House of Assembly being announced it was admitted, and brought up for the concurrence of this House a Bill intituled, "An Act providing for the publication of reports of the decisions of His Majesty's Court of King's Bench in this Province. The deputation having withdrawn, the

said Bill was read a first time, and on motion made and seconded, ordered to be read a second time on Wednesday next.

A Message from His Excellency the Lieutenant Governor being announced, Major Hillier was admitted, who delivered to the Speaker a letter and certain accompanying documents from the Commissioner in England. Major Hillier having withdrawn, the message was read from the Chair, and again by the Clerk, with the accompanying documents, as follows:

P. MAITLAND.

The Lieutenant Governor thinks proper to transmit copies of a communication from the Commissioner in England by which his detention at the seat of Government will be made known to the Hon. the Legislative Council.

The Lieutenant Governor, while congratulating the House upon this event as likely to have an influence highly favorable to the interests of this Colony in the important arrangements now depending in the Councils of the Parent State, feels confident that the Hon. Legislative Council will not fail to concur in placing at his disposal means towards defraying the expenses of a service which must thus be protracted far beyond the period originally contemplated.

Government House, 24th February.

(Copy.)

London, 76 Gower Street,
Bedford Square, Decr. 28th, 1822

Sir,—I have the honor to acknowledge the receipt of Your letter of the 21st October, 1822, in which you conveyed to me the wish of His Excellency the Lieutenant Governor, that as the objects of my mission to England had been accomplished it might be convenient to me to return to my duties in that Province by the middle of January, or as soon after as circumstances would admit; and I beg to state to you for the information of His Excellency the Lieutenant Governor that being at that time in constant communication with the Colonial Office on several matters involving the interests of Upper Canada; and being more particularly engaged in assisting in the details of a plan for promoting emigration to Upper Canada by the aid of the Government upon a system which is at present under consideration, and which if it shall ultimately be adopted cannot fail to be of the greatest advantage to the Province, I lost no time in acquainting Earl Bathurst with the necessity for my immediate departure from England, by transmitting to him your letter of the 21st October, with a note from myself, of which I enclose you a copy.

His Lordship was absent from London at the time, but the Under Secretary of State requested me to remain until I should hear from His Lordship, and yesterday I received a letter from Mr. Wilmott of which I transmit you a copy.

His Excellency will perceive by this letter, that my stay in this country is necessarily protracted beyond the period to which it would have otherwise been limited upon the receipt of the instructions conveyed in your letter of the 21st of October, for which I have been waiting with anxiety, doubtful whether under existing circumstances it would be most proper for me to remain longer in this country, or to return to Upper Canada.

I have the Honor to be, &c.

(Signed) JNO. B. ROBINSON.

To Major Hillier, Secretary to His Excellency, the Lieutenant Governor,

(Certified) G. HILLIER.

(Copy.)

Downing Street, 27th December, 1822.

Sir,—I am directed by Lord Bathurst to inform you that he has received your letter of the 16th inst., enclosing one which was addressed to you by Major Hillier, by the direction of Sir Peregrine Maitland, and expressing his hopes that you might be enabled to return to your duties in Upper Canada by the middle of January, or as soon afterwards as circumstances would permit, and His Lordship has desired me to inform you that he wishes you to remain in England until after the meeting of Parliament in the month of February; at the same time His Lordship hopes that your detention here will not create any inconvenience to Sir Peregrine Maitland, especially as your presence and assistance in this country may be materially useful to the interests of Upper Canada.

I have the Honor to be, etc.

R. WILMOT.

J. B. Robinson, Esq., etc.

True Copy (Signed) G. HILLIER.

A motion made and seconded, the House resolved itself into a Committee of the Whole to take the message into consideration, and to prepare an address to His Excellency in answer thereto. House in Committee, Mr. Markland in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said message into consideration, and had prepared an address in answer thereto, which they recommended to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded, the address was ordered to be engrossed, and read a third time this day.

Pursuant to the Order of the Day the Address was read as engrossed, and the question being put if it do now pass was carried in the affirmative.

On motion made and seconded the Honorable Messrs. Clark and Markland were appointed to wait upon His Excellency the Lieutenant Governor to know when he would be pleased to receive the Address, and to present the same.

On motion made and seconded the House adjourned until to-morrow at 1 o'clock p.m.

Tuesday, 25th February, 1823.

The House met pursuant to adjournment. Present: The Hons. William Dummer Powell, Speaker; John McGill, William Dickson, Thomas Clark, George Crookshank, Rev. John Strachan, Angus McIntosh, Joseph Wells, Duncan Cameron, George H. Markland and John Henry Dunn. Prayers were read.

The Committee appointed to wait upon His Excellency the Lieutenant Governor with the Address of this House in answer to His Excellency's message of yesterday reported that they had presented the same as follows:—

To His Excellency, Sir Peregrine Maitland, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada and Major General Commanding His Majesty's Forces therein, etc.

May it please Your Excellency,—The Legislative Council return thanks for Your Excellency's message transmitting copies of a communication from the Commissioner in England, by which his detention at the Seat of Government was made known.

The Legislative Council feel particularly gratified by an event which they are assured will have an influence highly favorable to the interests of this colony in the important arrangements now depending in the Councils of the Parent State, and will not fail to concur in placing at the disposal of Your Excellency means towards the defraying of expenses of a service which must thus be protracted far beyond the period originally contemplated.

(Signed) WM. DUMMER POWELL, Speaker.

Legislative Council Chamber, 24th February, 1823.

Pursuant to the Order of the Day, the House resolved itself into a Committee of the Whole to take into further consideration the Bill intituled, "An Act to repeal part of the 10th clause of an Act passed in the 48th year of His Majesty's Reign, intituled, 'An Act to explain, amend and reduce to one Act of Parliament the several laws now in being for the raising and training the Militia of this Province,' and also part of an Act passed in the last session of the present Parliament intituled 'An Act to repeal part of and amend the laws now in force for the raising and training of the Militia of this Province'; and to increase the strength of the companies of Militia." The House in Committee, Mr. Strachan in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the said Bill and had made some amendments thereto which they recommended to the adoption of the House. Ordered that the Report be accepted, and on motion made and seconded the amendments were read, ordered to be engrossed, and the Bill as amended read a third time to-morrow.

Pursuant to the order of the Day, the Bill intituled "An Act granting to His Majesty a sum of money for the purposes therein mentioned," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. McGill in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill and had agreed thereto without any amendment. Ordered that the Report be accepted, and on motion made and seconded that the Bill be read a third time to-morrow.

Pursuant to the Order of the Day, the Bill intituled "An Act to repeal part of an Act passed in the 33rd year of His late Majesty's Reign intituled 'An Act to establish a Court of Probate in this Province and also a Surrogate Court in every district thereof,' also part of an Act passed during the last session of the present Parliament intituled 'An Act to reduce into one Act the several laws now in force establishing district courts and regulating the practice thereof, and also to extend the powers of the said district courts,' and also part of an Act passed during the present session intituled 'An Act to provide for the establishment of courts in the district of Bathurst, and for other purposes therein mentioned,' and also to alter the times of holding the District and Surrogate Courts and further to extend the powers of the said District Courts," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee, Mr. Dickson in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Bill into consideration, had made some progress therein and requested leave to sit again on Monday next. Ordered that the Report be accepted and leave given accordingly.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled "An Act to afford relief to persons claiming lands in this province under assignments from heirs, devisees or assignees of the original nominees of the Crown in cases where no patents have issued, and for other purposes therein mentioned." The deputation having withdrawn, the said Bill was read a first time, and on motion made and seconded, ordered to be read a second time to-morrow.

A message from His Excellency the Lieutenant Governor being announced, Major Hillier was admitted, who informed the Speaker that he was the bearer of a message from His Excellency to this House. Major Hillier having withdrawn, the message was read by the Speaker and again by the Clerk as follows:—

P. MAITLAND.

The Lieutenant Governor thinks proper to express his regret that he must be deprived of the satisfaction of laying before the Honorable Legislative Council any information respecting the proceedings of the Board for arbitrating on the respective claims of the Sister Provinces during the present Session; the adjournment of the Board and separation of the Members having been notified to the Lieutenant Governor by the arbitrator for this Province.

Govt. House, February, 1823.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled, "An Act to limit the sale of Spirituous Liquors to Indians within the organized counties or townships within this province." The deputation having withdrawn, the said Bill was read a first time and on motion made and seconded ordered to be read a second time to-morrow.

On motion made and seconded the House adjourned until to-morrow at 1 o'clock p.m.

Wednesday, 26th February, 1823.

The House met pursuant to adjournment. Present: The Hons. William Dummer Powell, Speaker; John McGill, Thomas Clark, George Crookshank, Rev. John Strachan, Angus McIntosh, Joseph Wells, George H. Markland. Prayers were read.

Pursuant to the Order of the Day the Bill intituled, "An Act granting to His Majesty a sum of money for the purposes therein mentigned," was read a third time, and the question being put if the Bill do now pass, was carried in the affirmative, whereupon the Speaker signed the same.

Pursuant to the Order of the Day, the Bill intituled "An Act to repeal part of the 10th clause of an Act passed the 48th year of His late Majesty's Reign, intituled 'An Act to explain, amend and reduce to one Act of Parliament the several laws now in being for the raising and training of the Militia of this Province,' and also part of an Act passed in the last session of the present Parliament intituled 'An Act to repeal part of and amend the laws now in force for the raising and training the Militia of this province,' and to increase the strength of companies of Militia," was read a third time as amended; and the question being

put if it do now pass was carried in the affirmative, whereupon the Speaker signed the amendments, and the said Bills were by the Master in Chancery carried down and returned to the Commons House of Assembly.

Pursuant to the Order of the Day, the Bill intituled "An Act to confirm certain marriages heretofore contracted in this Province," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee, Mr. Clark in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Bill into consideration, had made some progress therein, and requested leave to sit again on Friday next. Ordered that the report be accepted and leave given accordingly.

Pursuant to the Order of the Day, the Bill intituled "An Act for the relief of Matthew Crooks was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole, to take the same into consideration. House in Committee, Mr. Crookshank in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress in the Bill and requested leave to sit again to-morrow. Ordered that the report be accepted and leave given accordingly.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled "An Act for the division of the Township of Ameliasburgh in the County of Prince Edward." The deputation having withdrawn, the said Bill was read a first time, and on motion made and seconded ordered to be read a second time on Friday next.

Pursuant to the Order of the Day, the Bill intituled "An Act providing for the publication of reports of the decisions of His Majesty's Courts of King's Bench in this Province," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee, Mr. Strachan in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress in the Bill and requested leave to sit again to-morrow. Ordered that the report be accepted and leave given accordingly.

A deputation from the Commons House of Assembly being announced, it was admitted and brought up for the concurrence of this House a Bill intituled "An Act to continue part of an Act passed in the 59th year of His late Majesty's Reign intituled, An Act for establishing a Police in the Town of Niagara." The deputation having withdrawn, the said Bill was read a first time, and on motion made and seconded, ordered to be read a second time to-morrow.

Pursuant to the order of the Day, the Bill intituled "An Act to limit the sale of Spirituous Liquors to Indians within the organized counties or townships in this Province," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee, Mr. McIntosh in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress in the Bill and requested leave to sit again on Friday next. Ordered that the report be accepted and leave given accordingly.

Pursuant to the Order of the Day, the Bill intituled "An Act to afford relief to persons claiming lands in this province under assignments from heirs, devisees or assignees of the original nominees of the Crown, in cases where no patents have

issued, and for other purposes therein mentioned," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee, Mr. Wells in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress in the Bill, and requested leave to sit again to-morrow. Ordered that the report be accepted, and leave given accordingly.

The Hon. Mr. Markland gave notice that he would, on Friday next, move "That the House do now resolve itself into a Committee of the whole on a message received from His Excellency, communicating an extract from a despatch from Earl Bathurst in reply to an Address to His Majesty relating to half-pay for the incorporated Militia."

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled "An Act to restrain the selling of Beer, Ale, Cider and other Liquors not Spirituous in certain towns and villages in this Province; and to regulate the manner of licensing ale-houses within the same."

The deputation having withdrawn, the said Bill was read a first time, and on motion made and seconded, ordered to be read a second time to-morrow.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for concurrence of this House a Bill intituled "An Act for the relief of George de Long, George Bates, Hiram Spafford, Alexander Gardner, Thomas Dowsley and James Smith."

The deputation having withdrawn, the said Bill was read a first time, and on motion made and seconded, ordered to be read a second time on Friday next.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for concurrence of this House a Bill intituled "An Act to repeal part of an Act passed in the first year of His Majesty's reign, intituled 'An Act for altering the time of holding the general quarter sessions of the Peace in the Home District,' and further, to fix the time of holding the said quarter sessions."

The deputation having withdrawn, the said Bill was read a first time, and on motion made and seconded, ordered to be read a second time on Friday next.

On motion made and seconded the House adjourned until to-morrow at 1 o'clock p.m.

Thursday, 27th Feb'y, 1823.

The House met pursuant to adjournment. Present: The Hons. William Dummer Powell, Speaker; John McGill, William Dickson, Thomas Clark, George Crookshank, Rev. John Strachan, Angus McIntosh, Joseph Wells, Duncan Cameron and George H. Markland. Prayers were read.

The Committee appointed to prepare an Address to His Majesty reported that they had done so. Ordered that the report be accepted.

The Address being read, on motion made and seconded, ordered that the order of the day be postponed, and that the House do now resolve itself into a Committee of the Whole to take the Address into consideration. House in Committee. Mr. Markland in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had agreed to the Address, and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that the Address be engrossed.

On motion made and seconded, ordered that the Hons. Messrs. Clark, Strachan and Markland be a Committee to prepare an Address to His Excellency the Lieutenant Governor, praying him to transmit the Address to His Majesty to be laid at the foot of the Throne.

On motion made and seconded, the Hon. Messrs. Wells and Markland were appointed a Committee to prepare an Address of thanks to His Excellency the Lieutenant Governor for his communication respecting the proceedings of the Board for arbitrating on the respective claims of the Sister Provinces.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up and delivered a message in the following words:

Mr. Speaker: The Commons House of Assembly have concurred in the amendments made by the Hon. the Legislative Council in and to the Bill intituled "An Act to permit the importation of Machinery into this Province free from duty for a limited time."

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly,
27th Feb'y, 1823.

The deputation having withdrawn, the said message was read.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into further consideration the Bill intituled "An Act for the relief of Teachers of Common Schools in the Niagara District." House in Committee. Mr. Cameron in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some further progress in the Bill, and requested leave to sit again on Wednesday next. Ordered that the report be accepted, and leave given accordingly.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into further consideration the Bill intituled "An Act to repeal an Act passed in the 32nd year of His late Majesty's Reign, intituled 'An Act to establish the Winchester Measure and a standard for other weights and measures throughout this Province,' and to make more effectual provision for the establishment of a uniformity of weights and measures throughout this Province." House in Committee. Mr. Wells in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded, the Bill was ordered to be read a third time to-morrow.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into further consideration the Bill intituled "An Act for the relief of Matthew Crooks." House in Committee. Mr. Crookshank in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill, and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded, the Bill was ordered to be read a third time to-morrow.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into further consideration the Bill intituled "An Act providing for the publication of reports of the decisions of His Majesty's Court of King's Bench in this Province." House in Committee. Mr. Strachan in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Bill into further consideration, and had made some amendments

thereto, which they recommended to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded, the amendments were read, ordered to be engrossed, and the Bill as amended read a third time on Monday next.

On motion made and seconded, ordered that copies of the Bill with the amendments be sent to the Judges and request their opinion before Monday.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up the Bill intituled "An Act to amend and repeal part of an Act intituled 'An Act to incorporate sundry persons under the style and title of The President, Directors and Company of the Bank of Upper Canada,'" in which that House had concurred.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into further consideration the Bill intituled "An Act to afford relief to persons claiming lands in this Province under assignments from heirs, devisees, or assignees of the original nominees of the Crown in cases where no patents have issued, and for other purposes therein mentioned." House in Committee. Mr. Wells in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some further progress in the Bill, and requested leave to sit again to-morrow. Ordered that the report be accepted, and leave given accordingly.

Pursuant to the order of the day, the Bill intituled "An Act to restrain the selling of Beer, Ale, Cider and other liquors not spirituous in certain towns and villages in this Province and to regulate the manner of licensing ale-houses within the same," was read a second time; and on motion made and seconded, the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Cameron in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded the Bill was ordered to be read a third time to-morrow.

Pursuant to the order of the Day, the Bill intituled "An Act to continue part of an Act passed in the 59th year of His late Majesty's Reign, intituled 'An Act for establishing a Police in the Town of Niagara,'" was read a second time; and on motion made and seconded, the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Markland in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said Bill into consideration, and recommended that a conference be requested with the Commons House of Assembly on the subject matter thereof. Ordered that the report be accepted, and the Hon. Messrs. Dickson and Clark were appointed a Committee for that purpose.

The Committee appointed to prepare an Address to His Excellency the Lieutenant Governor reported that they had done so, and on motion made and seconded, the Address was read, ordered to be engrossed and read again to-morrow. On motion made and seconded, the House adjourned until to-morrow at 1 o'clock p.m.

Friday, 28th Feb'y, 1823.

The House met pursuant to adjournment. Present: The Hons. William Dummer Powell, Speaker; John McGill, William Dickson, Thomas Clark, George Crookshank, Rev. John Strachan, Angus McIntosh, Duncan Cameron, George H. Markland. Prayers were read.

On motion made and seconded, ordered that the order of the day as relates to the Bill intituled "An Act to repeal an Act passed in the thirty-second year of His late Majesty's Reign, intituled 'An Act to establish the Winchester Measure and a standard for other weights and measures throughout this Province,' and to make more effectual provision for the establishment of a uniformity of weights and measures throughout this Province," be discharged, and that the Bill be now re-committed. House in Committee. Mr. Clark in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Bill into further consideration, and recommended that a conference be requested with the Commons House of Assembly on the subject matter thereof. Ordered that the report be accepted, and on motion made and seconded, the Hon. Messrs. Dickson and Clark being appointed a Committee for that purpose, a message in the following words, signed by the Speaker, was by the Master in Chancery carried down to the Commons House of Assembly.

Mr. Speaker: The Honorable Legislative Council request a conference with the Commons House of Assembly on the subject matter of the Bill intituled "An Act to repeal an Act passed in the thirty-second year of His late Majesty's Reign, intituled an Act to establish the Winchester Measure and a standard for other weights and measures throughout this Province and to make more effectual provision for the establishment of a uniformity of weights and measures throughout this Province," and have appointed a Committee of two members, who will be ready to meet a Committee of the Commons House of Assembly for that purpose in the joint Committee Room at 3 o'clock this day.

(Signed) WM. DUMMER POWELL, Speaker.

Legislative Council Chamber,
28th Feb'y, 1823.

The Master in Chancery also took down a message in the following words:—

Mr. Speaker: The Honorable the Legislative Council request a conference with the Commons House of Assembly on the subject matter of the Bill intituled "An Act to continue part of an Act passed in the fifty-ninth year of his late Majesty's Reign, intituled 'An Act to establish a Police in the Town of Niagara.'"

The Legislative Council have appointed a Committee of two of its members, who will be ready to meet a Committee of the Commons House of Assembly for that purpose in the joint Committee Room at 3 o'clock this day.

(Signed) WM. DUMMER POWELL, Speaker.

Legislative Council Chamber,
28th Feb'y, 1823.

Pursuant to the order of the day, the Bill intituled "An Act for the relief of Matthew Crooks," was read a third time, and the question if it do now pass being put, was carried in the affirmative, whereupon the Speaker signed the same.

Pursuant to the order of the day, the Bill intituled "An Act to restrain the selling of Beer, Ale, Cider and other liquors not spirituous in certain towns and villages in this Province, and to regulate the manner of licensing ale-houses within the same," was read a third time; and the question being put if it do now pass was carried in the affirmative; whereupon the Speaker signed the same and the said Bills were by the Master in Chancery carried down to the Commons House of Assembly.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into further consideration the Bill intituled "An Act to confirm certain marriages heretofore contracted in this Province." House in Committee. Mr. Clark in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some further progress in the Bill, and requested leave to sit again on Wednesday next. Ordered that the report be accepted and leave given accordingly.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into consideration the Bill intituled "An Act to limit the sale of Spirituous Liquors to Indians within the organized counties or townships in this Province." House in Committee. Mr. McIntosh in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some amendments thereto, which they recommended to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded, the amendments were read, ordered to be engrossed, and the bill as amended read a third time on Monday next.

Pursuant to the order of the day, the Bill intituled "An Act for the division of the Township of Ameliasburgh, in the County of Prince Edward," was read a second time, and on motion made and seconded, the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. McGill in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill, and recommended it for the adoption of the House. Ordered that the report be accepted, and on motion made and seconded, the Bill was ordered to be read a third time on Monday next.

Pursuant to the order of the day, the Bill intituled "An Act for the relief of George de Long, George Bates, Hiram Spafford, Alexander Gardner, Thomas Dowsley and James Smith," was read a second time, and on motion made and seconded, the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Dickson in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress in the Bill, and requested leave to sit again on Tuesday next. Ordered that the report be accepted, and leave given accordingly.

Pursuant to the order of the day, the Bill intituled "An Act to repeal part of an Act passed in the first year of His Majesty's Reign, intituled 'An Act for altering the time of holding the general Quarter Sessions of the Peace in the Home District,' and further to fix the time of holding the said Quarter Sessions," was read a second time, and on motion made and seconded, the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Clark in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded, that the Bill be read a third time on Monday next.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into further consideration the Bill intituled "An Act to afford relief to persons claiming lands in this Province under assignments from heirs, devisees or assignees of the original nominees of the Crown, in cases where no patents have issued and for other purposes therein mentioned." House in Committee. Mr. Wells in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some further progress, and requested leave to sit again this day. Ordered that the report be accepted, and leave given.

On motion made and seconded, the House adjourned during pleasure. The House formed.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled "An Act for the better preservation of the Herring Fishery at the outlet of Burlington Bay," and also a Bill intituled "An Act to repeal part of an Act passed in the fifty-ninth year of His late Majesty's Reign, intituled An Act to repeal an ordinance of the Province of Quebec passed in the twenty-fifth year of His Majesty's Reign, intituled An ordinance concerning Land Surveyors and admeasurement of lands, and also to extend the provisions of an Act passed in the thirty-eighth year of His Majesty's Reign, intituled 'An Act to ascertain and establish on a permanent footing the boundary line of the different Townships of this Province,' and further to regulate the manner in which lands are hereafter to be surveyed,' in so far as it affects the Township of Cramahe, and to make other provisions for ascertaining the side lines of lots within the same, and also to authorize the correction of the eastern side line of said Township."

The deputation having withdrawn, the said Bill was read a first time, and on motion made and seconded, ordered to be read a second time on Tuesday next.

Pursuant to order, the House again resolved itself into a Committee of the Whole on the Bill intituled "An Act to afford relief to persons claiming lands in this Province under assignments from heirs, devisees or assignees of the original nominees of the Crown in cases where no patents have issued, and for other purposes therein mentioned." House in Committee. Mr. Wells in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some further progress in the Bill, and requested leave to sit again on Monday next. Ordered that the report be accepted, and leave given accordingly.

On motion made and seconded, the House adjourned again during pleasure. The House formed.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled "An Act for the final relief of Insolvent Debtors in execution."

The deputation having withdrawn, the Bill was read a first time, and on motion made and seconded, ordered to be read a second time on Monday next.

A message from His Excellency the Lieutenant Governor being announced, Major Hillier was admitted, who delivered to the Speaker certain messages and papers.

Major Hillier having withdrawn, the messages were read as follows:

P. MAITLAND.

The Lieutenant Governor transmits to the Legislative Council a copy of a report of the Commissioners for the improvement of the Internal Navigation of this Province.

Gov't House, 28th Feb'y, 1823.

P. MAITLAND.

The Lieutenant Governor transmits to the Honorable the Legislative Council copies of such reports of the Board of Trustees of District Schools as have been received since the last Session of the Legislature.

Gov't House, 28th Feb'y, 1823.

P. MAITLAND.

The Lieutenant Governor transmits to the Honorable the Legislative Council copies of such reports of the Boards of Education as have been received since the last Session of the Legislature.

Gov't House, 28th Feb'y, 1823.

P. MAITLAND.

The Lieutenant Governor transmits to the Honorable the Legislative Council copies of the accounts of the Treasurers of the several districts of this Province received since the last Session of the Legislature.

Gov't House, 28th Feb'y, 1823.

P. MAITLAND.

The Lieutenant Governor transmits to the Hon. Legislative Council copies of such assessment and population returns as have been received since the last Session of the Legislature.

Gov't House, 28th Feb'y, 1823.

Pursuant to the order of the day, the Address to His Excellency the Lieutenant Governor relative to the arbitration with Lower Canada was read a third time, and the question if it do now pass being put, was carried in the affirmative, whereupon the Speaker signed the same.

The Hon. Messrs. Crookshank and McIntosh were appointed a Committee to enquire when His Excellency would be pleased to receive the Address, and to present the same.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into further consideration the Address to His Majesty on the subject of the projected Union of the Legislatures of the two Provinces. House in Committee. Mr. Markland in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said Address into further consideration, and had made some amendments thereto, which they recommended to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded, the amendments were read, ordered to be engrossed, and the Address as amended read a third time this day.

Pursuant to the order of the day, the Address to His Majesty was read a third time, and the question if it do now pass being put, was carried in the affirmative, whereupon the Speaker signed the same.

The Committee appointed to prepare an Address to His Excellency the Lieutenant Governor, praying him to transmit the Address to the King to be laid at the foot of the Throne, reported that they had done so. Ordered that the report be accepted.

The Address being read, on motion made and seconded, the House resolved itself into a Committee of the Whole, to take the same into consideration. House in Committee. Mr. Crookshank in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress therein, and requested leave to sit again to-morrow. Ordered that the report be accepted, and the leave given accordingly.

On motion made and seconded, the House adjourned until to-morrow at 2 o'clock p.m.

Saturday, 1st March, 1823.

The House met pursuant to adjournment. Present: The Hons. William Dummer Powell, Speaker; John McGill, William Dickson, Thomas Clark, Geo. Crookshank, Rev. John Strachan, Angus McIntosh, Joseph Wells, Duncan Cameron and George H. Markland. Prayers were read.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled "An Act prescribing the mode of measuring the contents of wooden stills, also fixing the rate of duty to be paid on all stills used for the distillation of spirituous liquors within this Province."

The deputation having withdrawn, the said Bill was read a first time, and on motion made and seconded, ordered to be read a second time on Tuesday next.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up a message in the following words:—

Mr. Speaker: The Commons House of Assembly have agreed to a conference on the subject matter of the Bill intituled "An Act to repeal an Act passed in the thirty-second year of His late Majesty's Reign, intituled 'An Act to establish the Winchester Measure and a standard for other Weights and Measures throughout this Province,' and to make more effectual provision for the establishment of an uniformity of weights and measures throughout this Province," and have appointed four of its members to meet the conferees of the Hon. the Legislative Council in the joint Committee Room at 3 o'clock p.m. this day.

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly,
28th Feb'y, 1823.

The Committee appointed to confer with the Committee of the Commons House of Assembly on the subject matter of the Bill intituled "An Act to repeal an Act passed in the thirty-second year of His late Majesty's Reign, intituled 'An Act to establish the Winchester Measure and a standard for other weights and measures throughout this Province,' and to make more effectual provision for the establishment of an uniformity of weights and measures throughout this Province," reported that they had done so.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into further consideration the Address to His Excellency the Lieutenant Governor, praying him to transmit the Address to His Majesty to be laid at the foot of the Throne. House in Committee. Mr. Crookshank in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Address into further consideration, and had made some amendments thereto, which they recommended to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded, the Address was read as amended, ordered to be engrossed, and read a third time this day.

Pursuant to notice, the Hon. Mr. Markland moved that the House resolve itself into a Committee of the Whole on a message received from His Excellency, communicating an extract from a despatch from Earl Bathurst in reply to an Address to His Majesty relating to half-pay for the incorporated Militia. House in Committee. Mr. Strachan in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress therein, and requested leave to sit again on Tuesday next. Ordered that the report be accepted, and leave given accordingly.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up a message in the following words:

Mr. Speaker: The Commons House of Assembly have agreed to a conference on the subject matter of the Bill intituled "An Act to continue part of an Act passed in the fifty-ninth year of His late Majesty's Reign, intituled 'An Act for establishing a Police in the Town of Niagara,'" and have appointed a Committee of four of its members for that purpose, who will meet the Committee of the Hon. the Legislative Council at the time and place by them appointed.

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly,
28th Feb'y, 1823.

The deputation having withdrawn, the said message was read.

The Committee appointed to confer with a Committee of the Commons House of Assembly on the subject matter of the Bill intituled "An Act to continue part of an Act passed in the fifty-ninth year of His late Majesty's Reign, intituled 'An Act for establishing a Police in the Town of Niagara,'" reported that they had done so.

Pursuant to order, the Address to His Excellency the Lieutenant Governor was read a third time, and the question being put if it do now pass, was carried in the affirmative, whereupon the Speaker signed the same.

The Hon. Messrs. McGill and Wells were appointed a Committee to know when His Excellency would be pleased to receive the Address.

On motion made and seconded, the House adjourned until Monday next at 2 o'clock p.m.

Monday, 3rd March, 1823.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell (Speaker), John McGill, William Dickson, Thomas Clark, George Crookshank, Rev. John Strachan, Angus McIntosh, Joseph Wells, Duncan Cameron, George H. Markland, and John Henry Dunn. Prayers were read.

The Committee appointed to wait upon His Excellency the Lieutenant Governor, with the Address relative to the arbitration with Lower Canada, reported that they had done so, and presented the Address as follows:—

To His Excellency Sir Peregrine Maitland, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding His Majesty's Forces therein, etc., etc., etc.

May it Please Your Excellency,—The Legislative Council returns thanks for Your Excellency's communication of the adjournment and separation of the arbitrators on the respective claims of the Sister Provinces, and for the expression of Your Excellency's regret at being deprived of the satisfaction of laying before the Legislative Council any information respecting the proceedings of the Board.

(Signed) WM. DUMMER POWELL, Speaker.

Legislative Council Chamber, 28th February, 1823.

The Committee appointed to wait upon His Excellency the Lieutenant Governor to know when he would be pleased to receive this House with their Address to His Majesty reported that His Excellency had appointed to-morrow at twelve o'clock.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into further consideration the Bill intituled, "An Act to repeal part of an Act passed in the thirty-third year of His late Majesty's reign, intituled, 'An Act to establish a Court of Probate in this Province, and also a Surrogate Court in every District thereof'; also part of an Act passed during the last Session of the present Parliament intituled 'An Act to reduce to one Act the several laws now in force establishing District Courts and regulating the practice thereof, and also to extend the powers of the said District Courts'; and also part of an Act passed during the present session intituled 'An Act to provide for the establishment of courts in the District of Bathurst and for other purposes therein mentioned'; and also to order the times of holding the District and Surrogate Courts, and further to extend the powers of the said District Courts." House in Committee. Mr. Dickson in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some further progress in the Bill and requested leave to sit again to-morrow. Ordered that the report be accepted and leave given accordingly.

On motion made and seconded, ordered that so much of the order of the day as relates to the Bill intituled "An Act providing for the publication of reports of the decisions of His Majesty's Court of King's Bench in this Province" be discharged, and that the Bill be now recommitted. House in Committee. Mr. Strachan in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Bill into further consideration and made some further progress therein, and requested leave to sit again to-morrow. Ordered that the report be accepted and leave given accordingly.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled, "An Act vesting in the hands of certain commissioners therein named all the stock, debts, bonds and property of the pretended Bank of Upper Canada lately established at Kingston, for the benefit of the creditors of that Institution.

The deputation having withdrawn the said Bill was read a first time, and on motion made and seconded, ordered to be read a second time to-morrow.

On motion made and seconded, ordered that so much of the order of the day as relates to the Bill intituled, "An Act to limit the sale of Spirituous Liquors to Indians within the organized counties or townships in this Province," be discharged, and that the House do now resolve itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. McIntosh in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some further amendments thereto, which they recommended to the adoption of the House.

Ordered that the report be accepted, and on motion made and seconded, the amendments were read, ordered to be engrossed, and the Bill as amended read a third time to-morrow.

Pursuant to the order of the day, the Bill intituled "An Act for the division of the Township of Ameliasburgh, in the County of Prince Edward," was read a third time, and the question if it do now pass being put was carried in the affirmative, whereupon the Speaker signed the same.

Pursuant to the order of the day, the Bill intituled "An Act to repeal part of an Act passed in the first year of His Majesty's reign intituled, 'An Act for altering the time of holding the Quarter Sessions of the Peace in the Home District,' and further to fix the time of holding the said Quarter Sessions," was read a third time, and the question if it do now pass being put was carried in the affirmative, whereupon the Speaker signed the same, and the said Bills were by the Master in Chancery carried down and returned to the Commons House of Assembly.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into further consideration the Bill intituled "An Act to afford relief to persons claiming lands in this Province under assignments from heirs, devisees, or assignees of the original nominees of the Crown, in cases where no patents have issued, and for other purposes therein mentioned." House in Committee. Mr. Wells in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Bill into further consideration and had made some amendments thereto which they recommended to the adoption of the House.

Ordered that the report be accepted, and on motion made and seconded, the amendments were read, ordered to be engrossed, and the Bill as amended read a third time to-morrow.

Pursuant to the order of the day, the Bill intituled, "An Act for the final relief of Insolvent Debtors in execution" was read a second time, and on motion made and seconded, ordered that the House do on to-morrow resolve itself into a Committee of the Whole to take the same into consideration.

A deputation from the Commons House of Assembly being announced it was admitted and brought up a message in the following words:—

Mr. Speaker,—The Commons House of Assembly have concurred in the amendments made by the Hon. the Legislative Council in and to the Bill intituled "An Act to repeal part of the tenth clause of an Act passed in the forty-eighth year of His late Majesty's reign, intituled 'An Act to explain, amend and reduce to one Act of Parliament the several laws now in being for the raising and training the Militia of this Province,' and also part of an Act passed in the last Session of the present Parliament intituled 'An Act to repeal part of and amend the laws now in force for the raising and training the Militia of this Province,' and to increase the strength of the companies of Militia."

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 1st March, 1823.

The deputation having withdrawn, the said message was read.

On motion made and seconded, the House adjourned until to-morrow at 11 o'clock a.m.

Tuesday, 4th March, 1823.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell (Speaker), John McGill, William Dickson, Thomas Clark, George Crookshank, Rev. John Strachan, Angus McIntosh, Joseph Wells, Duncan Cameron, and George H. Markland. Prayers were read.

At twelve o'clock the Speaker, Members and Officers of the House proceeded to wait upon His Excellency the Lieutenant Governor to present the Address of

this House praying him to transmit the Address to His Majesty to be laid at the foot of the Throne, which was delivered as follows:—

To His Excellency Sir Peregrine Maitland, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, and Major General commanding His Majesty's Forces therein, etc., etc., etc.

May it Please Your Excellency,—The Legislative Council have agreed on a dutiful and humble Address to His Most Gracious Majesty the King on the proposed change in the Constitution given to the inhabitants of this Province, at this time under the consideration of the Imperial Parliament.

Enjoying every blessing which can be expected from the active operation of this free and happy constitution, Your Excellency will perceive that the Legislative Council do not feel themselves called upon to pronounce any opinion on the contemplated change, concerning the general policy of which they are unable to decide.

They have seen the Province gradually changing from a dreary wilderness to a fruitful and populous country under former Administrations, but since Your Excellency's appointment to the Government the progress of improvement has been vastly more rapid, the settlements have been widely extended on every side, and in the short space of four years the organized parts of the province have been nearly doubled and the population greatly increased.

With such facts before them the Legislative Council, as becomes faithful and loyal subjects, content themselves with expressing in their dutiful and humble address to His Majesty, which they most respectfully entreat Your Excellency to transmit to be laid at the foot of the Throne, their perfect reliance on the wisdom and justice of the Imperial Parliament.

(Signed) WM. DUMMER POWELL, Speaker.

Legislative Council Chamber, 1st March, 1823.

To the King's Most Excellent Majesty.

Most Gracious Sovereign,—We, Your Majesty's dutiful and loyal subjects, the Legislative Council of Upper Canada in Provincial Parliament assembled, beg leave humbly to approach the Throne with our most grateful acknowledgements for the paternal consideration of Your Majesty in affording us an opportunity of expressing our sentiments on the proposed change in the Constitution given to us by our late much lamented and beloved Sovereign, under which we have attained an eminent degree of happiness and prosperity.

It is with the most grateful feelings that we constantly trace since that period the watchful care of Your Majesty's Government over our interests, which was most fully displayed by the greatest attention paid to our last prayer, and the speedy and satisfactory relief afforded us from difficulties in our relation with Lower Canada which were pressing and increasing.

But ours is the duty, Sire, that springs from affection to Your Majesty's royal person; ours the confidence arising from experience of Your Majesty's beneficent Government; ours the trust which gratitude to your Majesty's past protection teaches us to repose in the future, and though we feel it due to ourselves to express our sense of the distinguished advancement we owe to our present Constitution, particularly during the existing administration; and to the unceasing care of

Your Majesty's Government, we confess our inability to decide upon the general policy of a measure which may have been suggested by considerations not connected with these Provinces, and therefore entirely rely on the justice and beneficence so long experienced, humbly hoping that if the Union should be finally determined upon it will be so modified as to render them essentially and truly a British colony.

(Signed) WM. DUMMER POWELL, Speaker.

Legislative Council Chamber, 28th February, 1823.

To which His Excellency was pleased to make the following reply:—

Honorable Gentlemen,—I shall not fail to transmit to His Majesty's Ministers your humble and dutiful Address to your Sovereign, that in compliance with your entreaty it may be laid at the foot of the Throne.

The facts which you attest: the wilderness converted into a populous country, the active operation of your free and happy Constitution, the more rapid march of improvement which you have lately witnessed, all unite as you rightly make the application to show the reasonableness and propriety of your reposing the most implicit confidence on the wisdom and justice of His Majesty's councils.

The particular allusion you have made to recent events I receive with pleasure as a proof of your cordiality towards my government, which has been conducted on a principle of faithful obedience to my Sovereign's ample instructions.

If life and efficiency have been given to my royal master's expressed pleasure respecting this interesting and valued portion of His Dominion, I feel all I owe to the other branches of this Legislature, to your enlightened councils and the steady tenor of your zealous co-operation.

The Speaker, Members, and Officers of the House being returned to the Council Chamber, the House formed.

The Speaker informed the House that he had a copy of His Excellency's answer to the Address, which he read, and it was again read by the Clerk.

Pursuant to the order of the day, the Bill intituled "An Act to limit the sale of Spirituous Liquors to Indians within the organized counties or Townships in this Province," was read a third time as amended, and the question being put if the Bill do now pass was carried in the affirmative, whereupon the Speaker signed the same.

Pursuant to the order of the day, the Bill intituled "An Act to afford relief to persons claiming lands in this Province under assignments from heirs, devisees or assignees of the original nominees of the Crown in cases where no patents have issued, and for other purposes therein mentioned," was read a third time; and the question being put if the Bill do now pass, was carried in the affirmative, whereupon the Speaker signed the amendments, and the said Bills were by the Master in Chancery carried down and returned to the Commons House of Assembly.

Pursuant to the order of the day, the Bill intituled "An Act for the better preservation of the Herring Fishery at the outlet of Burlington Bay," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. McIntosh in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded the Bill was ordered to be read a third time to-morrow.

Pursuant to the order of the day, the Bill intituled "An Act for the relief of George deLong, George Bates, Hiram Spafford, Alexander Gardner, Thomas Dowsley, and James Smith," was recommitted. House in Committee, Mr. Dickson in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some further progress therein, and requested leave to sit again to-morrow. Ordered that the report be accepted, and leave given accordingly.

Pursuant to the order of the day, the Bill intituled "An Act to repeal part of an Act passed in the fifty-ninth year of His Majesty's reign, intituled 'An Act to repeal an Ordinance of the Province of Quebec, passed in the twenty-fifth year of His Majesty's reign, intituled 'An Ordinance concerning Land Surveyors and the admeasurement of lands, and also to extend the provisions of an Act passed in the thirty-eighth year of His Majesty's reign, intituled 'An Act to ascertain and establish on a permanent footing the boundary lines of the different townships of this Province, and further to regulate the manner in which lands are hereafter to be surveyed,' in so far as it affects the township of Cramahe, and to make other provisions for ascertaining the side lines of lots within the same, and also to authorise the correction of the eastern side line of said township," was read a second time, and on motion made and seconded, the House resolved itself into a Committee of the Whole, to take the same into consideration. House in Committee. Mr. Wells in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded, the Bill was ordered to be read a third time to-morrow.

Pursuant to the order of the day, the Bill intituled "An Act prescribing the mode of measuring Wooden Stills, also the rate of duty to be paid on all Stills used for the distillation of Spirituous Liquors within this Province," was read a second time; and on motion made and seconded, the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Cameron in the Chair.

The Chairman reported that the Committee had gone through the Bill and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded, the Bill was ordered to be read a third time to-morrow.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled "An Act for the relief of John P. Clement," and a Bill intituled "An Act for the relief of Jacob Smith."

The deputation having withdrawn, the said Bills were read a first time, and on motion made and seconded, ordered to be read a second time to-morrow.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled "An Act granting to His Majesty a sum of money for the purpose therein mentioned," and also a Bill intituled "An Act to authorize the Justices of the Peace in the district of Johnstown, in General Quarter Sessions assembled, to lay and collect an additional assessment and rate for the purpose of building a bridge across Longe Creek."

The deputation having withdrawn, the said Bills were read a first time, and on motion made and seconded, ordered that the Bill intituled "An Act granting

to His Majesty a sum of money for the purpose therein mentioned," be read a second time to-morrow, and the Bill intituled "An Act to authorize the Justices of the Peace in the District of Johnstown, in General Quarter Sessions assembled, to levy and collect an additional assessment and rate for the purpose of building a bridge across Yonge Creek," be read a second time on Thursday next.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled "An Act to repeal the laws now in force for the collection of duties within this Province, and to make more effectual provision for the due collection of the same." The deputation having withdrawn, the said Bill was read a first time, and on motion made and seconded, ordered to be read a second time on Thursday next.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled "An Act to repeal part of, and to amend and extend the provisions of an Act, passed in the second year of the reign of His present Majesty, intituled 'An Act to repeal the laws now in force relative to the preservation of salmon, and to make further provision concerning the fisheries in certain parts of this Province; and also to prevent accidents by fire from persons fishing by torch or firelight.'" The deputation having withdrawn, the said Bill was read a first time, and on motion made and seconded, ordered to be read a second time on Thursday next.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole, to take into further consideration the Bill intituled "An Act to repeal part of an Act passed in the thirty-third year of His late Majesty's reign, intituled 'An Act to establish a Court of Probate in this Province, and also a Surrogate Court in every District thereof,' also an Act passed during the last Session of the present Parliament, intituled 'An Act to reduce into one Act the several laws now in force establishing District Courts and regulating the practice thereof, and also to extend the powers of the said District Courts,' and also part of an Act passed during the present Session, intituled 'An Act to provide for the establishment of Courts in the District of Bathurst, and for other purposes therein mentioned,' and also to alter the times of holding the District and Surrogate Courts, and further to extend the powers of the said District Courts." House in Committee. Mr. Dickson in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some further progress in the Bill, and requested leave to sit again to-morrow. Ordered that the report be accepted, and leave given accordingly.

On motion made and seconded, ordered that so much of the order of the day as remains be discharged, and be of the order of the day for to-morrow.

On motion made and seconded, the House adjourned until to-morrow at two o'clock p.m.

Wednesday, 5th March, 1823.

The House met pursuant to adjournment.

Present: The Hons. Wm. Dummer Powell (Speaker), John McGill, William Dickson, Thomas Clark, George Crookshank, John Strachan, Angus McIntosh, Joseph Wells, and George H. Markland. Prayers were read.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole, to take into further consideration the Bill intituled "An Act providing for the publication of reports of the decisions of His Majesty's Court of King's Bench in this Province." House in Committee. Mr. Strachan in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill, and had made some amendments thereto, which they recommended to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded, the amendments were read, ordered to be engrossed, and the Bill as amended read a third time to-morrow.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into consideration the Bill intituled, "An Act for the final relief of insolvent debtors in execution." House in Committee, Mr. Markland in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Bill into consideration, had made some progress therein, and requested leave to sit again to-morrow. Ordered that the report be accepted, and leave given accordingly.

Pursuant to the order of the day, the Bill intituled, "An Act vesting in the hands of certain Commissioners therein named all the Stock, Debts, Bonds and property of the pretended Bank of Upper Canada lately established at Kingston, for the benefit of the Creditors of that Institution," was read a second time; and on motion made and seconded, the House resolved itself into a Committee of the Whole, to take the same into consideration. House in Committee, Mr. McGill in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Bill into consideration, and had made some progress therein. Ordered that the report be accepted.

On motion made and seconded, the Honorable Messrs. Dickson, Clark, and Strachan were appointed a Special Committee to take the Bill into consideration, with power to call for persons and papers, and report thereon on Friday next.

On motion made and seconded, ordered that a conference be requested with the Commons House of Assembly, on the subject matter of the Bill intituled "An Act to establish a Court of Probate in this Province, and also a Surrogate Court in every district thereof," also part of an Act passed during the last session of the present Parliament, intituled 'An Act to reduce into one Act the several laws now in force establishing District Courts, and regulating the practice thereof, and also to extend the powers of the said District Courts,' and also part of an Act passed during the present session intituled 'An Act to provide for the establishment of Courts in the District of Bathurst, and for other purposes therein mentioned,' and also to alter the times of holding the District and Surrogate Courts; and further to extend the powers of the said District Courts," and the Hon. Messrs. Strachan and Dickson were appointed a Committee for that purpose.

A message in the following words, being signed by the Speaker, was by the Master in Chancery carried down to the House of Assembly.

Mr. Speaker: The Honorable the Legislative Council request a conference with the Commons House of Assembly on the subject matter of the Bill intituled, "An Act to repeal part of an Act passed in the thirty-third year of His late Majesty's reign, intituled 'An Act to establish a Court of Probate in this Province, and also a Surrogate Court in every District thereof,' and also part of an Act passed during the last session of the present Parliament, intituled, 'An Act to reduce into one Act the several laws now in force establishing District Courts and regulating the practice thereof, and also to extend the powers of the said District Courts,' and also part of an Act passed during the present session intituled 'An Act to provide for the establishment of Courts in the District of Bathurst, and

for other purposes therein mentioned,' and also to alter the times of holding the District and Surrogate Courts, and further to extend the powers of the said District Courts," and have appointed a Committee of two members, who will be ready to meet a Committee of the Commons House of Assembly in the Joint Committee room at three o'clock p.m. to-morrow.

(Signed) WM. DUMMER POWELL, Speaker.

Legislative Council Chamber, 5th March, 1823.

Pursuant to the order of the day, the Bill intituled "An Act for the better preservation of the Herring Fishery at the outlet of Burlington Bay," and the Bill intituled, "An Act to repeal part of an Act passed in the fifty-ninth year of His late Majesty's Reign, intituled 'An Act to repeal an ordinance of the Province of Quebec passed in the twenty-fifth year of His Majesty's reign, intituled "An Ordinance concerning Land Surveyors and the admeasurement of Lands," and also to extend the provisions of an Act passed in the thirty-eighth year of His Majesty's reign, intituled "An Act to ascertain and establish on a permanent footing the boundary lines of the different townships of this Province, and further to regulate the manner in which lands are hereafter to be surveyed, in so far as it affects the township of Cramahe, and to make other provisions for ascertaining the side lines of lots within the same, and also to authorize the correction of the eastern side line of the said township,"'" and also the Bill intituled "An Act prescribing the mode of measuring the contents of wooden stills, also fixing the rate of duty to be paid on all stills used for the distillation of spirituous liquors within this Province," were read a third time, and the question being put upon each Bill respectively, if it do now pass, was carried in the affirmative; whereupon the Speaker signed the same, and they were by the Master-in-Chancery carried down and returned to the House of Assembly.

On motion made and seconded, ordered that the Hon. Mr. Markland do have leave given from this day to absent himself during the remainder of the Session.

On motion made and seconded,

Resolved unanimously: That the thanks of this House be given to John Beverly Robinson, Esq., for the distinguished ability, zeal and discretion manifested in the discharge of the important trust confided to him as Commissioner to bear to the foot of the Throne an humble address on the fiscal relations of this Province with Lower Canada, and in so successfully obtaining the object of our prayer.

On motion made and seconded, ordered that the Speaker do transmit the foregoing resolution to Mr. Robinson.

On motion made and seconded, ordered that so much of the order of the day as remains be discharged, and be of the order of the day to-morrow.

On motion made and seconded, the House adjourned until to-morrow at 12 o'clock.

Thursday, 6th March, 1823.

The House met pursuant to adjournment. Present: The Hons. Wm. Dummer Powell, Speaker; John McGill, William Dickson, George Crookshank, John Strachan, Angus McIntosh, Joseph Wells, Duncan Cameron and George H. Markland. Prayers were read.

Pursuant to the order of the day, the Bill intituled "An Act providing for the publication of reports of the decisions of His Majesty's Court of King's Bench

in this Province," was read a third time as amended, and the question being put, if it do now pass, was carried in the affirmative; whereupon the Speaker signed the amendments, and the Bill as amended was by the Master-in-Chancery carried down and returned to the Commons House of Assembly.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into further consideration the Bill intituled, "An Act for the relief of Teachers of Common Schools in the Niagara District." House in Committee, Mr. Markland in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill, and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded, ordered that the Bill be read a third time to-morrow.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole, to take into further consideration the Bill intituled, "An Act for the relief of George DeLong, George Bates, Hiram Spafford, Alexr. Gardner, Thomas Dowsley and James Smith." House in Committee, Mr. Dickson in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some further progress therein, and requested leave to sit again to-morrow. Ordered that the report be accepted, and leave given accordingly.

Pursuant to the order of the day, the Bill intituled, "An Act for the relief of John P. Clement," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee, Mr. Clark in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress therein, and requested leave to sit again this day. Ordered that the report be accepted, and leave given accordingly.

Mr. Wells gave notice that he would on Saturday move that the rule of this House respecting petitions for Private Bills be dispensed with.

A deputation from the Commons House of Assembly being announced, it was admitted and brought up a message in the following words:

Mr. Speaker: The Commons House of Assembly have agreed to the request of the Hon. the Legislative Council for a conference on the subject of the Bill intituled "An Act to repeal part of an Act passed in the thirty-third year of His late Majesty's reign, intituled 'An Act to establish a Court of Probate in this Province, and also a Surrogate Court in every district thereof.' Also part of an Act passed during the last session of the present Parliament, intituled 'An Act to reduce into one Act the several laws now in force establishing District Courts and regulating the practice thereof, and also to extend the powers of the said District Courts,' and also part of an Act passed during the present session, intituled 'An Act to provide for the establishment of Courts in the District of Bathurst, and for other purposes therein mentioned,' and also to alter the times of holding the District and Surrogate Courts, and further to extend the powers of the said District Courts," and have appointed four of its members for that purpose; who will attend at the hour and place appointed.

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 5th March, 1823.

The deputation having withdrawn, the said message was read.

On motion made and seconded, the House adjourned during pleasure.

The House formed.

The Committee appointed to confer with the Committee of the Commons House of Assembly upon the subject matter of the Bill intituled "An Act to repeal part of an Act passed in the thirty-third year of His late Majesty's reign, intituled 'An Act to establish a Court of Probate in this Province, and also a Surrogate Court in every District thereof,' also part of an Act passed during the last session of the present Parliament intituled 'An Act to reduce into one Act the several laws now in force establishing District Courts and regulating the practice thereof, and also to extend the powers of the said District Courts,' and also part of an Act passed during the present Session, intituled 'An Act to provide for the establishment of Courts in the District of Bathurst and for other purposes therein mentioned,' and also to alter the times of holding the District and Surrogate Courts, and further to extend the powers of the said District Courts," reported that they had done so, and had agreed that a free conference be requested on the subject of the said Bill.

On motion made and seconded, the House again resolved itself into a Committee of the Whole on the Bill intituled "An Act for the relief of John P. Clement." House in Committee, Mr. Clark in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some further progress in the Bill, and requested leave to sit again. Ordered that the report be accepted, and leave given accordingly.

Pursuant to the order of the day, the Bill intituled "An Act granting to His Majesty a sum of money for the purpose therein mentioned," was read a second time; and on motion made and seconded, the House resolved itself into a Committee of the Whole, to take the same into consideration. House in Committee, Mr. Crookshank in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill, and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded, that the Bill be read a third time to-morrow.

Pursuant to the order of the day, the Bill intituled "An Act for the relief of Jacob Smith," was read a second time, and on motion made and seconded, the House resolved itself into a Committee of the Whole, to take the same into consideration. House in Committee, Mr. Strachan in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress in the Bill, and requested leave to sit again. Ordered that the report be accepted, and leave given accordingly.

On motion made and seconded, ordered that a message in the following words be sent down by the Master-in-Chancery to the Commons House of Assembly.

Mr. Speaker: The Honorable the Legislative Council request a communication from the Commons House of Assembly of the evidence received by that House in proof of the matter whereon the Bills intituled "An Act for the relief of George DeLong, George Bates, Hiram Spafford, Alexander Gardner, Thomas Dowsley and James Smith," "An Act for the relief of John P. Clement," and "An Act for the relief of Jacob Smith," passed by the Commons House of Assembly, and by it sent up for the concurrence of this House, were founded.

(Signed) WM. DUMMER POWELL, Speaker.

Legislative Council Chamber, 6th March, 1823.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole, to take into further consideration the dispatch from Earl Bathurst, respecting half pay for the Incorporated Militia. House in Committee, Mr. Strachan in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some further progress therein, and requested leave to sit again to-morrow. Ordered that the report be accepted, and leave given accordingly.

On motion made and seconded, ordered that the order of the day as relates to the Bill intituled "An Act to authorize the Justices of the Peace in the District of Johnstown, in General Quarter Sessions Assembled, to lay and collect an additional assessment and rate for the purpose of building a bridge across Yonge Creek," be abandoned.

Pursuant to the order of the day, the Bill intituled "An Act to repeal part of and to amend and extend the provisions of an Act passed in the second year of the reign of His present Majesty, intituled 'An Act to repeal the laws now in force relative to the preservation of salmon, and to make further provision respecting the fisheries in certain parts of this Province, and also to prevent accidents by fire from persons fishing by torch or firelight,'" was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee, Mr. McIntosh in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill, and recommended it to the adoption of the House. Ordered that the report be accepted; and on motion made and seconded, that the Bill be read a third time to-morrow.

On motion made and seconded, ordered that the order of the day as relates to the Bill intituled, "An Act to repeal the laws now in force for the collection of duties within this Province, and to make more effectual provision for the due collection of the same," be postponed until to-morrow.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole, to take into further consideration the Bill intituled, "An Act to confirm certain marriages heretofore contracted in this Province." House in Committee, Mr. Clark in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some further progress in the Bill, and requested leave to sit again on Tuesday next. Ordered that the report be accepted, and leave given accordingly.

On motion made and seconded, ordered that the Hon. Angus McIntosh do have leave to absent himself during the remainder of the Session.

A deputation from the Commons House of Assembly being announced, it was admitted, and delivered the following message:

Mr. Speaker: The Commons House of Assembly transmit to the Hon. the Legislative Council the evidence received by that House in proof of the matter whereon the Bill intituled, "An Act for the relief of George DeLong, George Bates, Hiram Spafford, Alexr. Gardner, Thomas Dowsley and James Smith," "An Act for the relief of Jno. P. Clement," and "An Act for the relief of Jacob Smith," passed by the Commons House of Assembly, and by it sent up for the concurrence of the Hon. the Legislative Council, is founded.

(Signed) LEVIUS P. SHERWOOD, Speaker.

The deputation having withdrawn the said message was read.

On motion made and seconded, the House adjourned until to-morrow at twelve o'clock.

Friday, 7th March, 1823.

The House met pursuant to adjournment. Present: The Hons. Wm. Dummer Powell, Speaker; John McGill, William Dickson, Thomas Clark, George Crookshank, Rev. John Strachan, Joseph Wells, Duncan Cameron and George H. Markland. Prayers were read.

The special Committee appointed to take into consideration the Bill intituled "An Act vesting in the hands of certain Commissioners therein named all the Stock, Debts, Bonds and Property of the pretended Bank of Upper Canada lately established at Kingston for the benefit of the creditors of that institution," reported that they found it necessary to request the House to apply for a communication of the evidence received in the Commons House of Assembly on which the Bill was founded.

A message in the following words being signed by the Speaker, was by the Master-in-Chancery carried down and delivered to the Commons House of Assembly.

Mr. Speaker: The Honorable the Legislative Council request a communication from the Commons House of Assembly of the evidence received by that House in proof of that matter whereon the Bill intituled "An Act vesting in the hands of certain Commissioners therein named all the Stock, Debts, Bonds and Property of the pretended Bank of Upper Canada, lately established at Kingston, for the benefit of the creditors of that institution," passed by the Commons House of Assembly and by it sent up for the concurrence of this House was founded.

Legislative Council Chamber, (Signed) WM. DUMMER POWELL, Speaker.
7th March, 1823.

A message in the following words, being signed by the Speaker, was by the Master-in-Chancery carried down and delivered to the Commons House of Assembly:

Mr. Speaker: The Hon. the Legislative Council request a free conference with the Commons House of Assembly on the subject matter of the Bill intituled "An Act to repeal part of an Act passed in the thirty-third year of His late Majesty's reign intituled 'An Act to establish a Court of Probate in this Province, and also a Surrogate Court in every district thereof'; also part of an Act passed during the last session of the present Parliament intituled 'An Act to reduce into one Act the several laws now in force establishing District Courts, and regulating the practice thereof, and also to extend the powers of said District Courts,' and also part of an Act passed during the present session intituled 'An Act to provide for the establishment of Courts in the District of Bathurst,' and also to alter the times of holding the District and Surrogate Courts, and further to extend the powers of the said District Courts," and have appointed a Committee of two members, who will be ready to meet a Committee of the Commons House of Assembly for that purpose in the joint Committee Room, at one o'clock p.m., to-morrow.

Legislative Council Chamber, (Signed) WM. DUMMER POWELL, Speaker.
7th March, 1823.

Pursuant to the order of the day, the Bill intituled "An Act for the relief of Teachers of Common Schools in the Niagara District," and the Bill intituled "An Act to repeal part of and amend and extend the provisions of an Act passed in the second year of the reign of His present Majesty, intituled 'An Act to repeal the laws now in force relative to the preservation of salmon in certain parts of this Province, and also to prevent accidents by fire from persons fishing by torch or firelight,'" and also the Bill intituled "An Act granting to His Majesty a sum of money for the purpose therein mentioned," were read a third time; and the question being put upon each Bill respectively, if it do now pass, was carried in the affirmative, and the Speaker signed the same, and they were by the Master-in-Chancery carried down and returned to the Commons House of Assembly.

Pursuant to the order of the day, the Bill intituled "An Act to repeal the laws now in force for the collection of duties within this Province, and to make more effectual provision for the due collection of the same," was read a second time; and on motion made and seconded, the House resolved itself into a Committee of the Whole to take the same into consideration.

House in Committee, Mr. Dickson in the Chair.

Mr. Speaker resumed the Chair. The Chairman reported that the Committee had made some progress in the Bill, and requested leave to sit again on Monday next. Ordered that the report be accepted, and leave given accordingly.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled "An Act to make good certain monies issued and advanced by His Excellency the Lieutenant Governor, in pursuance of the Address of the House of Assembly of this Province."

The deputation having withdrawn, the said Bill was read a first time, and on motion made and seconded ordered to be read a second time on Monday next.

A deputation from the Commons House of Assembly being announced, it was admitted, and delivered a message in the following words:

Mr. Speaker: The Commons House of Assembly have agreed to a free conference with the Honorable the Legislative Council on the subject matter of the Bill intituled "An Act to repeal part of an Act passed in the thirty-third year of late His Majesty's reign intituled 'An Act to establish a Court of Probate in this Province, and also a Surrogate Court in every District thereof'; also part of an Act passed during the last session of the present Parliament intituled 'An Act to reduce into one Act the several laws now in force establishing District Courts, and regulating the practice thereof, and also to extend the powers of the said District Courts,' and also part of an Act passed during the present session intituled 'An Act to provide for the establishment of Courts in the District of Bathurst, and for other purposes therein mentioned,' and also to alter the times of holding the District and Surrogate Courts, and further to extend the powers of the said District Courts," and have appointed a Committee to meet the Conferees of the Hon. the Legislative Council for that purpose at the time and place appointed.

Commons House of Assembly, (Signed) LEVIUS P. SHERWOOD, Speaker.
7th March, 1823.

The deputation having withdrawn, the said message was read.

A deputation from the Commons House of Assembly being announced, it was admitted, and delivered a message in the following words:

Mr. Speaker: The Commons House of Assembly communicate to the Hon. the Legislative Council the evidence received by that House in proof of the matter whereon the Bill intituled "An Act vesting in the hands of certain Commissioners therein named all the Stock, Debts, Bonds and Property of the pretended Bank of Upper Canada, recently established at Kingston, for the benefit of the creditors of that institution," passed by this House and by it sent up to the Hon. the Legislative Council for their concurrence was founded.

Commons House of Assembly, (Signed) LEVIUS P. SHERWOOD, Speaker.
7th March, 1823.

The deputation having withdrawn, the said message was read.

Pursuant to the order of the day, the Bill intituled "An Act to authorize the Justices of the Peace in the District of Johnstown, in General Quarter Sessions assembled, to lay and collect an additional assessment and rate for the purpose of building a bridge across Yonge Creek" was read a second time.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into further consideration the Bill intituled, "An Act for the relief of George DeLong, George Bates, Hiram Spafford, Alexander Gardner, Thomas Dowsley and James Smith." House in Committee. Mr. Dickson in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some further progress therein and requested leave to sit again. Ordered that the report be accepted and the leave given accordingly.

On motion made and seconded, a message in the following words being signed by the Speaker was by the Master in Chancery carried down and delivered to the Commons House of Assembly.

Mr. Speaker: The Honorable the Legislative Council request a communication from the Commons House of Assembly of the evidence received by that House in proof of the matter whereon the Bill intituled "An Act to authorize the Justices of the Peace in the District of Johnstown in General Quarter Sessions assembled to lay and collect additional assessments and rates for the purpose of building a Bridge across Yonge Creek," passed by the Commons House of Assembly and by it sent up for the concurrence of this House, was founded.

Legislative Council Chamber,

7th March, 1823.

(Signed) WM. DUMMER POWELL, Speaker.

On motion made and seconded the House adjourned until Monday next at 12 o'clock.

Monday, 10th March, 1823.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell, Speaker; John McGill, William Dickson, Thomas Clark, George Crookshank, Rev. John Strachan, Duncan Cameron and John H. Dunn.

Prayers were read.

The Select Committee appointed to take into consideration the Bill intituled "An Act vesting in the hands of certain commissioners therein named all the stock, debts, bonds and property of the pretended Bank of Upper Canada, lately established at Kingston, for the benefit of the creditors of that Institution," reported

that in the year 1819 certain persons in the Town of Kingston associated together without charter or any legal authority as a body corporate, and did raise transferable stock or stocks and did make transfers and assignments of share or shares therein; and that the said association, partnership, or company of persons did issue promissory notes and bills, and, in the opinion of your Committee, acted in violation of a Statute made in the fourteenth year of the reign of George II, intituled "An Act for restraining and preventing several unwarrantable schemes and undertakings in His Majesty's Colonies, and plantations in America," which Statute your Committee finds in their opinion to be in full force and effect and unrepealed by any subsequent law or by construction.

Your Committee have reason to believe that at the time of the formation of this Society, company or partnership, the parties therein concerned were not aware that their scheme or undertaking was unwarrantable, or that the practice was extravagant or mischievous; as many persons therein engaged were men of character and reputation and would have relinquished and wholly foreborne to have further acted therein. Yet, until the insolvency of this association, the company or partnership, no public charge by indictment or information hath been preferred against them, nor at present is it within the knowledge of your Committee that any such subsists. That on or about the 23rd day of September last this society or association did become insolvent, stopped payment, and did not pay and discharge such sum or sums due their several notes or bills issued according to the tenor of such notes or bills; whereby great and many grievances, prejudice and inconvenience have been suffered by great numbers of His Majesty's subjects.

That the several individual members of this society, or a majority of them, who have acted either as President, Cashier, Teller, Directors or Stockholders are alive and in their circumstances able to pay and discharge all the claims such society are liable to by reason of this unwarrantable scheme or undertaking under the authority of the aforesaid Act of George II.

It therefore becomes a question, does this Statute, under all the local considerations, afford such a remedy to the public as will give satisfaction without a recurrence to the Legislature of this Province for affording a more specific or effectual relief than the law at present affords.

It does not, as most fully appears from evidence given before your Committee, afford a sufficient remedy, but it is suggested that the Bill now under consideration of your Committee will afford relief for the reasons following:—

That difficulties would occur both in pleading and evidence under the British Statute declaring certain associations, and particularly such as the late Bank of Kingston, a nuisance, which are apprehended to be such as would deter any creditor for a small sum from seeking any remedy under it.

That there is no certainty before you actually come to trial that any given person who may generally be supposed a party concerned is concerned, except the individuals whose names are to the Bills.

There would be no remedy by persons concerned ever so honestly against the Cashier for the money abstracted, and there would be none by any party against another, and therefore stockholders originally subscribing to the institution could not recover the amount of any Bills they might since have become possessed of, because they would be considered *particeps criminis*.

There is no remedy whatever by the stockholders under the British Act to recover from the persons who may have received their different instalments to get the same back again.

Your Committee, having thus ascertained the necessity such a law as the one now proposed, examined the evidence on which its provisions are founded, from which it appeared that three individuals are selected from the whole society on whom particular disabilities are laid, and insinuations of fraud are stated, without leaving them an opportunity of defending themselves by the known laws of the land.

Your Committee are therefore of opinion that though these three persons may from their particular situations have been more ostensibly than any others connected with the aforesaid pretended Bank of Upper Canada, yet it appears to your Committee more unexceptionable, as well as more just, that the names not only of the president, cashier and teller, but of all the Directors of the Institution, be inserted in the Bill, which amendment your Committee most respectfully recommends, and likewise a provisionary clause respecting 14th Geo. II, Cap. 37.

Names of Directors of the Kingston Bank:—

Christopher Alexander Hagerman, Henry Murney, John McLean, Sheriff; Thomas Dalton, Archibald Richmond, John Cummings, Esq., and Neil McLeod.

All of which is humbly submitted.

10th March, 1823.

(Signed) WILLIAM DICKSON, Chairman.

The Committee also reported that they had received a petition from Benjamin Whitney, of the Town of Kingston, which they submitted to the House as follows:

To the Hon. the Legislative Council of the Province of Upper Canada, in Provincial Parliament assembled.

The Petition of Benjamin Whitney, of the Town of Kingston, Esq.

Humbly sheweth: That a Bill is at present under the consideration of your Honorable House relative to the late Bank of Upper Canada at Kingston, of which your Petitioner was President when it was in operation.

That your Petitioner is named in, and is most peculiarly interested in, the said Bill as (reference being thereto had) will fully appear.

Wherefore your Petitioner most respectfully solicits that your Honorable House will hear your Petitioner at the Bar of your Honorable House touching such parts of the said Bill as relates to the personal interests of your Petitioner.

And he, as in duty bound, will ever pray.

York, 10th March, 1823.

(Signed) B. WHITNEY.

The report and Petition being read, on a motion made and seconded, the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Clark in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the report into consideration, and recommended it to the adoption of the House. Ordered that the report be accepted.

A deputation from the Commons House of Assembly being announced, it was admitted and brought up for the concurrence of this House a Bill intituled "An Act for the relief of William Peterson."

The deputation having withdrawn, the said Bill was read a first time, and on motion made and seconded ordered to be read a second time to-morrow.

A deputation from the Commons House of Assembly being announced, it was admitted, and delivered a message in the following words:

Mr. Speaker: The Commons House of Assembly transmits to the Hon. Legislative Council the Minutes of evidence on which the Bill intituled "An Act to

authorize the Justices of the Peace in the District of Johnstown in General Quarter Sessions assembled to lay and collect additional assessment and rate for the purpose of building a bridge across Yonge Creek," was founded.

Commons House of Assembly,

10th March, 1823.

(Signed) LEVIUS P. SHERWOOD, Speaker.

The deputation having withdrawn the said message was read.

A deputation from the Commons House of Assembly being announced, it was admitted and brought up for the concurrence of this House a Bill intituled "An Act granting to His Majesty a sum of money to defray certain charges for the administration of Justice, and support of the Civil Government of this Province," and a Bill intituled "An Act to provide a salary for the Adjutant General of Militia in this Province, and for other purposes therein mentioned."

The deputation having withdrawn, the said Bill were read a first time, and on motion made and seconded ordered to be read a second time to-morrow.

On motion made and seconded the House resolved itself into a Committee of the Whole to take into further consideration the Bill intituled "An Act vesting in the hands of certain Commissioners therein named all the stock, debts, bonds and property of the pretended Bank of Upper Canada, lately established at Kingston for the benefit of the creditors of that Institution." House in Committee. Mr. Clark in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some further progress therein and requested leave to sit again. Ordered that the report be accepted and leave given accordingly.

The Committee appointed to confer with the Committee of the Commons House of Assembly on the subject matter of the Bill intituled "An Act to repeal part of an Act passed in the thirty-third year of His late Majesty's Reign intituled, 'An Act to establish a Court of Probate in this Province, and also a Surrogate Court in every district thereof,' also part of an Act during the last session of the present Parliament intituled 'An Act to reduce into one act the several laws now in force establishing district courts and regulating the practice thereof, and also to extend the powers of the said District Courts,' and also part of an Act passed during the present Session, intituled 'An Act to provide for the establishment of Courts in the District of Bathurst and for other purposes therein mentioned,' and also to alter the times of holding the District and Surrogate Courts, and further to extend the powers of the said District Courts," reported that they had met the Committee of the Commons House of Assembly when the following amendments were proposed:—

In the second clause it was proposed to expunge the words "the several days upon," and insert "the Monday of the week in." The effect of this amendment would be that the several District and Surrogate Courts shall commence on the Monday of the week in which the quarter Sessions shall be held. It was also proposed to insert at the end of the clause a provision as follows:

"And the Judge presiding in each of the said District Courts shall make his precept for summoning the jury returnable on the first day of each term respectively, provided always that no jury summoned to any District Court in this Province shall be required or obliged to attend at such Courts for a longer period than one week."

In the third clause it was proposed to insert the words "the expiration of six weeks," and to expunge the words "any time." This amendment if adopted would

give to defendants a period of six weeks after verdict rendered before any judgment could be entered up.

It was proposed to expunge the fifth clause and in its stead to insert the following:

“And be it further enacted, that it shall and may be lawful for any plaintiff or defendant in any action now pending or hereafter to be brought in any District Court in this Province, to sue out a writ or writs of subpoena, as occasion may require, from the office of the Clerk of the Crown, or Deputy Clerk of the Crown, in any District in this Province, to compel the attendance of any witness or witnesses resident out of the jurisdiction of the District Court in which such action shall be brought or pending, to give evidence at the trial of such action, which writ or subpoena shall be as effectual, and the person or persons disobeying the same shall be liable to the same penalties as if the said action had been commenced and prosecuted in His Majesty’s Court of King’s Bench in this Province, and the said Court of King’s Bench shall have power and authority to proceed against the person or persons disobeying the said writ or writs of subpoena as in other cases of contempt.”

The Committee of the House of Assembly consented to recommend the proposed amendments, with the exception of that to the third clause to the adoption of their House.

The Committee of the House of Assembly were induced to withhold their assent to the amendments proposed to the third clause by the consideration that if adopted it would give to defendants a period of six weeks more than accorded to the existing laws they are entitled to before execution could be issued against them.

March 7th, 1823.

(Signed) WILLIAM DICKSON, Chairman.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into further consideration the Bill intituled “An Act to repeal the laws now in force for the collection of duties within this Province, and to make more effectual provision for the due collection of the same.” House in Committee. Mr. Dickson in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said Bill into further consideration, had made further progress therein, and requested leave to sit again this day three months.

A deputation from the Commons House of Assembly being announced, it was admitted and brought up and delivered a message in the following words:

Mr. Speaker: The Commons House of Assembly request a conference with the Hon. the Legislative Council on the subject matter of the amendments made by that Honorable House in and to the Bill intituled, “An Act providing for the publication of reports of the decisions of His Majesty’s Court of King’s Bench in this Province.”

Commons House of Assembly,
10th March, 1823.

(Signed) LEVIUS P. SHERWOOD, Speaker.

The deputation having withdrawn, the said message was read.

A Message in the following words, being signed by the Speaker, was by the Master in Chancery carried down and delivered to the Commons House of Assembly:—

Mr. Speaker: The Hon. the Legislative Council have agreed to a conference with the Commons House of Assembly on the subject matter of the amendments made by this House in and to the Bill intituled "An Act providing for the publication of reports of the decisions of His Majesty's Court of King's Bench in this Province," and have appointed a Committee of two members who will be ready to meet a Committee of the Commons House of Assembly for that purpose in the joint Committee Room at 11 o'clock a.m., to-morrow.

Legislative Council Chamber,
10th March, 1823.

(Signed) WM. DUMMER POWELL, Speaker.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled "An Act to continue and amend an Act passed in the fifty-ninth year of His late Majesty's Reign, intituled 'An Act for establishing a Police in the Town of Niagara in the District of Niagara, and for other purposes therein mentioned,'" and a Bill intituled "An Act to authorize a Rector and Church Wardens of Saint George's Church, Kingston, to surrender certain lands therein mentioned," and a Bill intituled "An Act to authorize the appointment of District Attorneys and to regulate the fees of Justices of the Peace within this Province."

The deputation having withdrawn, the said Bills were read a first time and on motion made and seconded ordered to be read a second time to-morrow.

Pursuant to the order of the day the Bill intituled "An Act to make good certain moneys issued and advanced by His Excellency the Lieutenant Governor in pursuance of the Address of the House of Assembly," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Crookshank in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress in the Bill and requested leave to sit again to-morrow. Ordered that the report be accepted and leave given accordingly.

A deputation from the Commons House of Assembly being announced, it was admitted and brought up and delivered a message in the following words:

Mr. Speaker: The Commons House of Assembly have concurred in the amendments made by the Honorable the Legislative Council in and to the Bill intituled "An Act to afford relief to persons in this Province claiming lands under assignments, from heirs, devisees or assignees of the original nominees of the Crown in cases where no patents have issued, and for other purposes therein mentioned."

Commons House of Assembly,
10th March, 1823.

(Signed) LEVIUS P. SHERWOOD, Speaker.

The deputation having withdrawn the said message was read.

On motion made and seconded the House adjourned until to-morrow at 12 o'clock.

Tuesday, 11th March, 1823.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell, Speaker; William Dickson, Thomas Clark, George Crookshank, Rev. John Strachan, Joseph Wells, and Duncan Cameron.

Prayers were read.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled "An Act to repeal an Act passed in the thirty-second year of His late Majesty's Reign, intituled 'An Act to establish the Winchester Measure and a standard for other weights and measures throughout this Province, and to appropriate a sum of money for the purpose of obtaining a standard of weights and measures for this Province.'" A Bill intituled "An Act to amend the laws now in force regulating the intercourse between this Province and the United States of America," and a Bill intituled, "An Act to amend and extend the provisions of an Act passed in the thirty-fifth year of His late Majesty's Reign, intituled 'An Act for the public registering of deeds, conveyances, wills and other incumbrances which shall be made or may affect any lands, tenements or hereditaments within this Province.'" "

The deputation having withdrawn, the said Bill was read a first time, and on motion made and seconded ordered to be read a second time to-morrow.

A deputation from the Commons House of Assembly being announced, it was admitted and brought up for the concurrence of this House a Bill intituled "An Act to provide an additional allowance to the Rev. Robert Addisson, Chaplain to the House of Assembly, for his long and faithful services as Chaplain thereof."

The deputation having withdrawn, the said Bill was read a first time, and on motion made and seconded ordered to be read a second time to-morrow.

The deputation also brought up and delivered a message which was read as follows:

Mr. Speaker: The Commons House of Assembly requests a renewal of the conference with the Honorable the Legislative Council, on the subject matter of the amendments made by that Honorable House in and to the Bill sent up from this House intituled "An Act providing for the publication of reports of the decisions of His Majesty's Court of King's Bench in this Province," and that the conference may be free.

Commons House of Assembly,

11th March, 1823.

(Signed) LEVIUS P. SHERWOOD, Speaker.

A message in the following words being signed by the Speaker, was by the Master in Chancery carried down and delivered to the Commons House of Assembly:—

Mr. Speaker: The Hon. the Legislative Council have agreed to a renewal of the conference with the Commons House of Assembly on the subject matter of the amendments made by this House in and to the Bill intituled "An Act providing for the publication of reports of the decisions of His Majesty's Court of King's Bench in this Province," and that the conference shall be free. The conferees will be ready for that purpose in the joint Committee Room this day at 5 o'clock.

Legislative Council Chamber,

11th March, 1823.

(Signed) WM. DUMMER POWELL, Speaker.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into further consideration the Bill intituled "An Act to confirm certain marriages heretofore contracted in this Province." House in Committee. Mr. Clark in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill and had made some amendments thereto which they recommended to the adoption of the House. Ordered that the report be accepted

and on motion made and seconded the amendments were read, ordered to be engrossed and the Bill as amended read a third time to-morrow.

On motion made and seconded ordered that the order of the day be postponed.

And Benjamin Whitney was called to the Bar of the House and heard on the subject of the Bill intituled "An Act vesting in the hands of certain Commissioners therein named all the stock, debts, bonds and property of the pretended Bank of Upper Canada lately established at Kingston for the benefit of the creditors of that Institution." Benjamin Whitney retired.

A deputation from the Commons House of Assembly being announced it was admitted and brought up for the concurrence of this House a Bill intituled, "An Act granting to Daniel Harris of Toronto, in the Home District of this Province, the exclusive privilege for using or permitting to be used his new invented method of manufacturing Pot and Pearl Ashes for the time therein mentioned."

The deputation having withdrawn the said Bill was read a first time, and on motion made and seconded ordered to be read a second time to-morrow.

On motion made and seconded the House adjourned during pleasure.

The House formed. The Honorable and Rev. Doctor Strachan presented the Petition of A. C. Hagerman, Esquire.

Mr. Hagerman was called in and heard at the Bar of the House on the subject of the Bill intituled "An Act vesting in the hands of certain Commissioners therein named all the Stock, Debts, Bonds and property of the pretended Bank of Upper Canada lately established at Kingston for the benefit of the creditors of that Institution." Mr. Hagerman retired.

A deputation from the Commons House of Assembly being announced, it was admitted and brought up for the concurrence of this House a Bill intituled "An Act for the relief of Matthew Crooks, Esq."

The deputation having withdrawn the said Bill was read a first time, and on motion made and seconded ordered to be read a second time to-morrow.

Pursuant to the order of the day the Bill intituled "An Act for the relief of William Peterson was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Strachan in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some further progress in the Bill and requested leave to sit again this day three months. Ordered that the report be accepted and leave given.

Pursuant to the order of the day the Bill intituled "An Act granting to His Majesty a sum of money to defray certain charges of the Administration of Justice and support of the Civil Government of this Province," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Wells in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill, and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that the Bill be read a third time to-morrow.

Pursuant to the order of the day, the Bill intituled "An Act to provide a salary for the Adjutant General of the Militia of this Province, and for other purposes therein mentioned," was read a second time, and on motion made and seconded, the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Cameron in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress in the Bill, and requested leave to sit again to-morrow. Ordered that the report be accepted, and leave given accordingly.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole, to take into further consideration the Bill intituled "An Act to make good certain monies issued and advanced by His Excellency the Lieutenant Governor in pursuance of the address of the House of Assembly of this Province." House in Committee. Mr. Crookshank in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that the Bill be read a third time to-morrow.

Pursuant to the order of the day, the Bill intituled "An Act to continue and amend an Act passed in fifty-ninth year of His late Majesty's reign, intituled 'An Act for establishing a Police in the Town of Niagara in the District of Niagara, and for other purposes therein mentioned,'" was read a second time, and on motion made and seconded, the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Dickson in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill, and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded, that the Bill be read a third time to-morrow.

Pursuant to the order of the day, the Bill intituled "An Act to authorize the Rector and Churchwardens of St. George's Church, Kingston, to surrender certain lands therein mentioned," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Wells in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some amendments to the Bill, which they recommended to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded, the amendments were read, ordered to be engrossed, and the Bill as amended read a third time to-morrow.

Pursuant to the order of the day, the Bill intituled "An Act to authorize the appointment of District Attorneys, and to regulate the fees of Justices of the Peace and Clerks of the Peace within this Province," was read a second time, and on motion made and seconded, the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Strachan in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress in the Bill, and requested leave to sit again. Ordered that the report be accepted, and leave given accordingly.

On motion made and seconded, the House adjourned until to-morrow at twelve o'clock.

Wednesday, 12th March, 1823.

The House met pursuant to adjournment. Present: The Hons. Wm. Dummer Powell, Speaker; William Dickson, Thomas Clark, George Crookshank, Rev. John Strachan, Joseph Wells and Duncan Cameron. Prayers were read.

Pursuant to the order of the day, the Bill intituled "An Act to confirm certain marriages heretofore contracted in this Province," was read a third time as amended,

and the question being put if the Bill as amended do now pass, was carried in the affirmative, whereupon the Speaker signed the amendments.

Pursuant to the order of the day, the Bill intituled "An Act granting to His Majesty a sum of money to defray certain charges for the administration of justice and support of the Civil Government of this Province," was read a third time, and the question being put if it do now pass, was carried in the affirmative; whereupon the Speaker signed the same, and the said Bill with the amendments was by the Master in Chancery carried down and returned to the Commons House of Assembly.

On motion made and seconded, the House adjourned during pleasure.

The House formed.

Pursuant to the order of the day, the Bill intituled "An Act to make good certain moneys issued and advanced by His Excellency the Lieutenant Governor in pursuance of the Address of the House of Assembly of this Province," and the Bill intituled "An Act to continue and amend an Act passed in the fifty-ninth year of His late Majesty's reign, intituled 'An Act for establishing a Police in the Town of Niagara in the district of Niagara, and for other purposes therein mentioned,'" was read a third time, and the question being put upon each Bill respectively if it do now pass, it carried in the affirmative; whereupon the Speaker signed the same.

Pursuant to the order of the day, the Bill intituled "An Act to authorize the Rector and Churchwardens of St. George's Church, Kingston, to surrender certain lands therein mentioned," was read a third time as amended, and the question being put if the Bill as amended do now pass, it was carried in the affirmative; whereupon the Speaker signed the amendments, and the said Bills with the amendments were by the Master in Chancery carried down and returned to the House of Assembly.

Pursuant to the order of the day, the Bill intituled "An Act to repeal an Act passed in the thirty-second year of His late Majesty's Reign, intituled 'An Act to establish the Winchester Measure and a standard for other weights and measures throughout this Province, and to appropriate a sum of money for the purpose of obtaining a standard for weights and measures for this Province,'" was read a second time, and on motion made and seconded, the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee Mr. Cameron in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill, and recommended it to the adoption of the House. Ordered that the Report be accepted, and on motion made and seconded, that the Bill be read a third time to-morrow.

Pursuant to the order of the day, the Bill intituled "An Act to amend the laws now in force regulating the intercourse between this Province and the United States of America" was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration.

House in Committee, Mr. Dickson in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress in the Bill and requested leave to sit again. Ordered that the report be accepted and leave given accordingly.

Pursuant to the order of the day, the Bill intituled "An Act to amend and extend the provisions of an Act passed in the thirty-fifth year of His late Majesty's reign intituled 'An Act for the registering of Deeds, Conveyances, Wills and other incumbrances which shall be made or may affect any lands, tenements or hereditaments within this Province,'" was read a second time, and on motion made

and seconded the House resolved itself into a Committee of the Whole to take the same into consideration.

House in Committee, Mr. Clark in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress in the Bill and requested leave to sit again. Ordered that the report be accepted, and leave given accordingly.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up and delivered a message in the following words:

Mr. Speaker: The Commons House of Assembly have concurred in the amendments made by the Hon. the Legislative Council in and to the Bill intituled "An Act to authorize the Rector and Church Wardens of St. George's Church, Kingston, to surrender certain lands therein mentioned."

12th March, 1823.

(Signed) LEVIUS P. SHERWOOD, Speaker.

The deputation having withdrawn, the message was read.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled "An Act granting to His Majesty a sum of Money annually to defray the interest on a Loan to be raised for compensating certain of the inhabitants of this Province for losses sustained by them during the late war with the United States of America," and a Bill intituled "An Act to make additional provision for the improvement of the Inland Navigation of this Province."

The deputation having withdrawn, the said Bills were read a first time, and on motion made and seconded ordered to be read a second time to-morrow.

Pursuant to the order of the day, the Bill intituled "An Act to provide an additional allowance to the Rev. Robert Addison, Chaplain of the House of Assembly, for his long and faithful services as Chaplain thereof," was read a second time, and on motion made and seconded, the House resolved itself into a Committee of the Whole to take the same into consideration.

House in Committee, Mr. Crookshank in the Chair.

The Speaker resumed the Chair. Mr. Chairman reported that the Committee had gone through the Bill and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that the Bill be read a second time to-morrow.

Pursuant to the order of the day, the Bill intituled "An Act granting to Daniel Harris, of Toronto, in the Home District of this Province, the exclusive privilege for using or permitting to be used his new invented method of manufacturing Pot and Pearl Ashes for the time therein mentioned" was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration.

House in Committee, Mr. Strachan in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress in the Bill, and requested leave to sit again. Ordered that the report be accepted, and leave given accordingly.

On motion made and seconded, the Hon. Messrs. Clark and Crookshank were appointed a Select Committee to enquire into the grounds on which was founded the Bill intituled "An Act granting to Daniel Harris, of Toronto, in the Home District of this Province, the exclusive privilege for using or permitting to be used his new invented method of manufacturing Pot and Pearl Ashes for the time therein mentioned."

Pursuant to the order of the day, the Bill intituled "An Act for the relief of Matthew Crooks, Esq.," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration.

House in Committee, Mr. Wells in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress in the Bill, and recommended that a Select Committee be appointed to enquire into the grounds on which the said Bill was founded. Ordered that the report be accepted.

The Committee appointed to confer with the Commons House of Assembly on the subject matter of the amendments made by this House in and to the Bill intituled "An Act providing for the publication of reports of the decisions of His Majesty's Court of King's Bench in this Province," reported that the joint Committee had agreed to recommend to their respective Houses the following amendments:

"And be it further enacted that the said Treasurer of the said Law Society shall pay into the hands of His Majesty's Receiver General of this Province for the time being the several sums of Money to be by him received under the provisions of this Act, to be applied towards the payment of a salary not exceeding the sum of One Hundred Pounds of lawful money to a reporter to be appointed by the Governor, Lieutenant Governor, or person administering the Government of this Province, the same being a Member of the Law Society, whose duty it shall be to report the cases and decisions of His Majesty's Court of King's Bench in the said Province; provided always that the said reports may be sold for the benefit of the reporter."

"And be it further enacted, &c., that the salary herein declared to be payable to the said reporter shall be paid by the Receiver General of this Province out of the moneys which may hereafter be paid into the hands of the Treasurer of the Law Society aforesaid in discharge of such warrant or warrants as may from time to time be issued by the Governor, Lieutenant Governor or person administering the Government of this Province, and be accounted for to His Majesty through the Lords Commissioners of His Majesty's Treasury for the time being in such manner and form as His Majesty, His Heirs and Successors may be pleased to direct." Ordered that the report be accepted, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the said amendments into consideration.

House in Committee, Mr. Cameron in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the amendments into consideration, and recommended them to the adoption of the House. Ordered that the report be accepted.

On motion made and seconded the amendments were adopted, and a message in the following words, being signed by the Speaker, was by the Master in Chancery carried down and delivered to the Commons House of Assembly:

Mr. Speaker: The Honorable the Legislative Council have concurred in the amendments proposed at the free conference in and to the Bill intituled "An Act providing for the publication of reports of the decisions of His Majesty's Court of King's Bench in this Province."

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into further consideration the Bill intituled "An Act to provide a salary for the Adjutant General of Militia in this Province," and for other purposes therein mentioned.

House in Committee, Mr. Cameron in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill, and recommended it to the adoption of the House, Ordered that the report be accepted, and on motion made and seconded that the Bill be read a third time to-morrow.

On motion made and seconded the House resolved itself into a Committee of the Whole to take into further consideration the Bill intituled "An Act to repeal part of an Act passed in the thirty-third year of His late Majesty's reign intituled 'An Act to establish a Court of Probate in this Province, and also a Surrogate Court in every District thereof,' also part of an Act passed during the last Session of the present Parliament intituled 'An Act to reduce into one Act the several laws now in force establishing District Courts and regulating the practice thereof, and also to extend the powers of the said District Court,' and also part of an Act passed during the present session intituled 'An Act to provide for the establishment of Courts in the District of Bathurst and for other purposes therein mentioned,' and also to alter the times of holding the District and Surrogate Courts, and further to extend the powers of the said District Courts."

House in Committee, Mr. Dickson in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some amendments to the Bill, which they recommended to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded the amendments were read, ordered to be engrossed, and the Bill as amended read a third time to-morrow.

On motion made and seconded, the Hon. Messrs. Dickson, Strachan and Wells were appointed a Select Committee to enquire into the grounds on which were founded the Bills intituled "An Act for the relief of John P. Clement," "An Act for the relief of Jacob Smith," "An Act for the relief of George DeLong, George Bates, Hiram Spafford, Alexander Gardner, Thomas Dowsley and James Smith," and "An Act for the relief of Matthew Crooks, Esquire."

On motion made and seconded the House resolved itself into a Committee of the Whole to go into the further consideration of the Bill intituled "An Act vesting in the hands of certain Commissioners therein named all the Stock, Debts, Bonds and Property of the pretended Bank of Upper Canada, lately established at Kingston, for the benefit of the creditors of that institution."

House in Committee, Mr. Clark in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some amendments to the Bill, which they recommended to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded the amendments were read, ordered to be engrossed, and the Bill as amended read a third time to-morrow.

On motion made and seconded the House adjourned until to-morrow at 12 o'clock.

Thursday, 13th March, 1823.

The House met pursuant to adjournment. Present: The Hons. William Dummer Powell (Speaker), William Dickson, Thomas Clark, George Crookshank, Rev. John Strachan, Joseph Wells, Duncan Cameron, and John H. Dunn. Prayers were read.

The Select Committee appointed to enquire into the grounds on which was founded the Bill intituled "An Act granting to Daniel Harris, of Toronto, in the Home District of this Province, the exclusive privilege for using or permitting to be used his new invented method of manufacturing Pot and Pearl Ashes for the time therein mentioned," reported that they had done so, and on motion made and seconded the report was read as follows:

That your Committee have examined the model of the kettle and oven produced by the said Daniel Harris, a description of which is annexed to the said Bill, which model your Committee from their own knowledge and from the best information they could procure from experienced Potash boilers find to be novel in its construction, and differing from what they have seen in any country for manufacturing Pot and Pearl Ashes.

Your Committee further reports that if this new mode of manufacturing Pot and Pearl Ashes is performed with a very trifling expense, compared with the common method, it will be a benefit to the country.

Your Committee have further to report that they think fifty pounds too large a sum for the privilege of using this mode, which is very simple, of making Pot and Pearl Ashes, and beg leave to recommend that twenty-five pounds be inserted in lieu thereof.

All of which is humbly submitted.

York, March 13th, 1823.

(Signed) THOMAS CLARK, Chairman.

Pursuant to the order of the day, the Bill intituled "An Act to repeal an Act passed in the thirty-second year of His late Majesty's reign intituled 'An Act to establish the Winchester Measure and a standard for other weights and measures throughout this Province,' and to appropriate a sum of money for the purpose of obtaining a standard for weights and measures for this Province." The Bill intituled "An Act to provide an additional salary for the Rev. Robert Addison, Chaplain of the House of Assembly, for his long and faithful services as Chaplain thereof," and the Bill intituled "An Act to provide a salary for the Adjutant General of Militia in this Province and for other purposes therein mentioned," were read a third time; and the question being put upon each Bill respectively, if it do now pass, was carried in the affirmative, whereupon the Speaker signed the same.

Pursuant to the order of the day, the Bill intituled "An Act to repeal part of an Act passed in the thirty-third year of His late Majesty's Reign intituled 'An Act to establish a Court of Probate in this Province and also a Surrogate Court in every District thereof,' also part of an Act passed during the last session of the present Parliament intituled 'An Act to reduce into one Act the several laws now in force establishing District Courts and regulating the practice thereof, and also to extend the practice thereof, and also to extend the powers of the said District Courts,' and also part of an Act passed during the present session intituled 'An Act to provide for the establishment of Courts in the District of Bathurst, and for other purposes therein mentioned,' and also to alter the times

of holding the District and Surrogate Courts, and further to extend the powers of the said District Courts," was read a third time as amended; and the question being put if the said Bill as amended do now pass was carried in the affirmative, whereupon the Speaker signed the amendments, and the said Bills, with the amendments, were by the Master in Chancery carried down and returned to the Commons House of Assembly.

On motion made and seconded the order of the day as relates to the Bill intituled "An Act vesting in the hands of certain Commissioners therein named all the Stock, Debts, Bonds and Property of the pretended Bank of Upper Canada, lately established at Kingston, for the benefit of the creditors of that institution," was discharged and the Bill re-committed.

House in Committee, Mr. Clark in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some further amendments therein, which they recommended to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded the amendments were read, ordered to be engrossed, and the Bill as amended read a third time this day.

Pursuant to the order of the day, the Bill intituled "An Act granting to His Majesty a sum of Money annually to defray the interest on a Loan to be raised for compensating certain of the inhabitants of this Province for losses sustained by them during the late war with the United States of America," was read a second time; and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration.

House in Committee, Mr. Dunn in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress therein, and recommended that a conference be requested with the Commons House of Assembly on the subject matter thereof. Ordered that the report be accepted, and a message in the following words, being signed by the Speaker, was by the Master in Chancery carried down and delivered to the Commons House of Assembly:

Mr. Speaker: The Hon. the Legislative Council request a conference with the Commons House of Assembly on the subject matter of the Bill intituled "An Act granting to His Majesty a sum of Money annually to defray the interest of a Loan to be raised for compensating certain of the inhabitants of this Province for losses sustained by them during the late war with the United States of America," and have appointed a Committee of two members who are now ready to meet a Committee of the Commons House of Assembly in the joint Committee Room for that purpose.

(Signed) WM. DUMMER POWELL, Speaker.

Legislative Council Chamber,
13th March, 1823.

The Hon. Messrs. Strachan and Dunn were appointed a Committee for that purpose.

The Select Committee appointed to enquire into the grounds on which were founded the Bills intituled "An Act for the relief of George DeLong, George Bates, Hiram Spafford, Alexander Gardner, Thomas Dowsley and James Smith," "An Act for the relief of John P. Clement," "An Act for the relief of Jacob Smith," and "An Act for the relief of Matthew Crooks," reported as follows:

That Matthew Crooks claims Lot No. 14 in the 5th Concession of Grantham, District of Niagara, said to be forfeited by Luther McNeil as outlawed for high treason, the 9th January, 1816; but observe the Bill considers Luther McNeil as an alien who had departed the Province. This land is yet unsold by the Commissioners.

John P. Clement claims fifty acres of land south half Lot 107 in the Township of Niagara, in the District of Niagara, forfeited under an attainder of judgment of death against Aaron Stevens, dated 22nd May, 54th Geo. III. This land has been sold by the Commissioners, and the Bill under the particular circumstances of the case is to re-vest the land in J. P. Clement after traverse of inquisition. It appears there is no clause for payment of costs in case judgment on the traverse shall be against him.

Jacob Smith claims 254 acres, Lot No. 13 in the 1st Concession of York, with its broken front on the Bay side of the Township of York, forfeited as the lands of Matthias Brown, outlawed for high treason, 9th July, 1816. This sold by Commissioners. The word "said" before "inquisition" to be expunged. Petitioner claims to be re-vested in the land on payment made according to discretion of Commissioners. No clause for payment of costs.

George De Long claims Lot No. 13 in the 3rd Concession of South Crosby, District of Johnstown, containing 200 acres, forfeited by Matthew Franklin as an alien, by inquisition dated 7th Sept., 1821. Not sold by Commissioners.

George Bates claims east half of Lot No. 17 in the 4th Range or 3rd Concession of the Township of Yonge, District of Johnstown, forfeited by Charles Ruggles under an inquisition 19th November, 1817, as an alien, and not sold by the Commissioners.

Hiram Spafford claims 20 acres of Lot No. 2 in the 10th Concession, Township of Lansdowne, also about six acres of Lots No. 1 and 2 same Concession and Township, forfeited by John Sunderland under an inquisition dated 18th May, 1821, as an alien. Not sold by Commissioners.

Alexander Gardner, of Niagara, claims Lot No. 104, in the Township of Niagara, being 100 acres as forfeited by Alexander Allen under an inquisition as an alien. Not sold by Commissioners.

Thomas Dowsley and James Smith claim 100 acres front Lot No. 19 in the 9th Concession of Kelly, District of Johnstown, forfeited by Jonathan Mott under an inquisition dated 7th Sept., 1821, as an alien. Not sold by Commissioners.

The last six claims are all under one Bill objectionable, as being called the Estates of the Claimants instead of "claimed by," and no particular description of the lots claimed in said Bill, although severally mentioned in the Petitions, and no clause for payment of costs.

Your Committee suggest the propriety of making a new Bill, including all the aliens' inquisitions in one, or a new Bill separately for each.

All of which is humbly submitted.

York, 13th March, 1823.

(Signed) WILLIAM DICKSON, C.S.C.L.C.

The report being read, on motion made and seconded, it was with the said Bills ordered to be referred to a Committee of the Whole House. On motion made and seconded the House adjourned during pleasure.

The House formed.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up and delivered a message in the following words:

Mr. Speaker: The Commons House of Assembly have concurred in the amendments recommended by the free conference in and to the Bill intituled "An Act providing for the publication of reports of the decisions of His Majesty's Court of King's Bench in this Province."

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly,
13th March, 1823.

The deputation having withdrawn, the said message was read.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up and delivered a message in the following words:

Mr. Speaker: The Commons House of Assembly have concurred in the amendments made by the Hon. the Legislative Council in and to the Bill sent up from this House, intituled "An Act to establish a Court of Probate in this Province and also a Surrogate Court in every District thereof," also part of an Act passed during the last Session of the present Parliament, intituled 'An Act to reduce into one Act the several laws now in force establishing District Courts and regulating the practice thereof, and also to extend the powers of the said District Courts,' and also part of an Act passed during the present Session, intituled 'An Act to provide for the establishment of Courts in the District of Bathurst and for other purposes therein mentioned,' and also to alter the times of holding the District and Surrogate Courts and further to extend the powers of the said District Courts."

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly,
13th March, 1823.

The deputation having withdrawn, the said message was read.

Pursuant to the order of the day, the Bill intituled "An Act vesting in the hands of certain Commissioners therein named all the Stock, Debts, Bonds and property of the pretended Bank of Upper Canada, lately established at Kingston for the benefit of the creditors of that Institution," was read a third time, and the question being put if it do now pass, was carried in the affirmative, whereupon the Speaker signed the amendments, and the Bill as amended was by the Master in Chancery carried down and returned to the House of Assembly.

Pursuant to the order of the day, the Bill intituled "An Act to make additional provision for the improvement of the inland navigation of this Province" was read a third time, and on motion made and seconded, the House resolved itself into a Committee of the Whole, to take the same into consideration. House in Committee. Mr. Dickson in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress in the Bill, and requested leave to sit again to-morrow. Ordered that the report be accepted, and leave given accordingly.

The Hon. Mr. Wells brought in a Bill for establishing a special circuit in certain districts in this Province, which was read a first time, and on motion made and seconded, ordered to be read a second time to-morrow.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into consideration the Bill intituled "An Act for the relief of George DeLong, George Bates, Hiram Spafford, Alexr. Gardner, Thomas Dowsley and James Smith" and "An Act for the relief of John P. Clement," "An Act for the relief of Jacob Smith," and "An Act for the relief of Matthew Crooks," and

the report of the Select Committee thereon. House in Committee. Mr Wells in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said Bill and the report into consideration, had made some progress therein, and requested leave to sit again to-morrow. Ordered that the report be accepted, and leave given accordingly.

A deputation from the Commons House of Assembly being announced, was admitted, and brought up and delivered a message in the following words:

Mr. Speaker: The Commons House of Assembly have concurred in the amendments made by the Hon. the Legislative Council in and to the Bill intituled "An Act vesting in the hands of certain Commissioners therein named, all the Stock, Debts, Bonds and other property of the pretended Bank of Upper Canada, lately established at Kingston, for the benefit of the creditors of that institution."

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly,
13th March, 1823.

The deputation having withdrawn, the said message was read.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House, the Bill intituled "An Act to provide for the appointment of Commissioners to investigate the claims of certain inhabitants of this Province for losses sustained by them during the late war with the United States of America," and for other purposes therein mentioned.

The deputation having withdrawn, the said Bill was read a first time, and on motion made and seconded, ordered to be read a second time to-morrow.

On motion made and seconded, the House adjourned until to-morrow at twelve o'clock.

Friday, 14th March, 1823.

The House met pursuant to adjournment. Present: The Hons. Wm. Dummer Powell, Speaker; William Dickson, Thomas Clark, George Crookshank, Rev. John Strachan, Joseph Wells, Duncan Cameron and John H. Dunn. Prayers were read.

Pursuant to the order of the day, the Bill intituled "An Act to provide for the appointment of Commissioners to investigate the claims of certain inhabitants of this Province for losses sustained by them during the late war with the United States of America, and for other purposes therein mentioned," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Crookshank in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill, and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded, that the Bill be read a third time this day.

Pursuant to the order of the day, the Bill for establishing a separate circuit in certain districts of this Province, was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Strachan in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some amendments to the Bill, which they recommended to the adoption

of the House. Ordered that the report be accepted, and on motion made and seconded, the amendments were read, ordered to be engrossed, and the Bill as amended read a third time this day.

Pursuant to the order of the day, the Bill intituled "An Act to make an additional provision for the improvement of the inland navigation of this Province" was re-committed. House in Committee. Mr. Dickson in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill, and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded, that the Bill be read a third time to-morrow.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into further consideration the Bill intituled "An Act granting to His Majesty a sum of money annually, to defray the interest of a loan to be raised for compensating certain of the inhabitants of this Province for losses sustained by them during the late war with the United States of America." House in Committee. Mr. Dunn in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill, and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded, the Bill was ordered to be read a third time this day.

Pursuant to the order of the day, the House resolved itself into Committee of the Whole to take into further consideration the Bill intituled "An Act for the relief of George DeLong, Hiram Spafford, Alexr. Gardner, Thomas Dowsley and James Smith," "An Act for the relief of John P. Clement," "An Act for the relief of Jacob Smith," and "An Act for the relief of Matthew Crooks, Esq." House in Committee. Mr. Wells in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some amendments to the Bill intituled "An Act for the relief of George DeLong, George Bates, Hiram Spafford, Alexander Gardner, Thomas Dowsley and James Smith," "An Act for the relief of John P. Clement," and "An Act for the relief of Matthew Crooks, Esq.," which they recommend to the adoption of the House; and that the Bill intituled "An Act for the relief of Jacob Smith," the Committee had made some progress in, and requested leave to sit again this day three months. Ordered that the report be accepted, and on motion made and seconded, the amendments were read, ordered to be engrossed, and the said Bill as amended read a third time this day.

A deputation from the Commons House of Assembly being announced, it was admitted; and brought up for the concurrence of this House a Bill intituled "An Act to provide for constructing a navigable canal between Burlington Bay and Lake Ontario."

The deputation having withdrawn, the said Bill was read a first time, and on motion made and seconded, ordered to be read a second time this day.

Pursuant to the order of the day, the Bills intituled "An Act granting to His Majesty a sum of money annually to defray the interest on a loan to be raised for compensating certain of the inhabitants of this Province for losses sustained by them in the late war with the United States of America," and "An Act to provide for the appointment of Commissioners to investigate the claims of certain inhabitants of this Province for losses sustained by them during the late war with the United States of America," were read a third time; and the question being put upon each Bill respectively if it do now pass, was carried in the affirmative; where-

upon the Speaker signed the same, and the said Bills were by the Master in Chancery carried down and returned to the Commons House of Assembly.

Pursuant to the order of the day, the Bill intituled "An Act to provide for constructing a Navigable Canal between Burlington Bay and Lake Ontario" was read a second time, and on motion made and seconded, the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Cameron in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress therein, and requested leave to sit again to-morrow. Ordered that the report be accepted, and leave given accordingly.

On motion made and seconded, the House adjourned until to-morrow at ten o'clock p.m.

Saturday, 15th March, 1823.

The House met pursuant to adjournment. Present: The Hons. Wm. Dummer Powell, Speaker; William Dickson, Thomas Clark, George Crookshank, Rev. John Strachan, Joseph Wells and John Henry Dunn. Prayers were read.

On motion made and seconded, ordered that the order of the day as relates to the Bill for establishing a second circuit in certain districts in this Province be discharged, and that the Bill be now re-committed. House in Committee. Mr. Dickson in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Bill into further consideration, and had made some further amendments thereto, which they recommended to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded, the amendments were read, ordered to be engrossed, and the Bill as amended read a third time this day.

Pursuant to the order of the day, the Bills intituled "An Act for the relief of George DeLong, George Bates, Hiram Spafford, Alexr. Gardner, Thomas Dowsley and James Smith," and "An Act for the relief of Matthew Crooks, Esquire," were read a third time as amended, and the question being put upon each Bill respectively if it do now pass, was carried in the affirmative, whereupon the Speaker signed the amendments.

Pursuant to the order of the day, the Bill for establishing a second circuit in certain Districts of this Province was read a third time, and the question being put if it do now pass, and that the title of the Act be "An Act to repeal part of the second clause of an Act passed in the second Session of the present Parliament, intituled 'An Act to repeal part of and amend the laws now in force respecting the practice of His Majesty's Court of King's Bench in this Province,' and to authorize in certain cases the trial of Prisoners in other districts than where their respective crimes may have been committed, and for that purpose their removal from one district to another," was carried in the affirmative, whereupon the Speaker signed the same, and the said Bills with the amendments were by the Master-in-Chancery carried down and delivered to the Commons House of Assembly.

On motion made and seconded, the House resolved itself into a Committee of the Whole, to take into further consideration the Bill intituled "An Act to authorize the Justices of the Peace in the District of Johnstown, in General Quarter Sessions assembled, to lay and collect an additional assessment and rate for the purpose of building a bridge across Yonge Creek." House in Committee. Mr. Dunn in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Bill into consideration, and had made some further progress therein. Ordered that the report be accepted.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole, to take into further consideration the Bill intituled "An Act to provide for constructing a navigable canal between Burlington Bay and Lake Ontario." House in Committee. Mr. Cameron in the Chair.

The Speaker resumed the chair. The Chairman reported that the Committee had gone through the Bill, and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded, ordered that the 44th rule of the House be this day dispensed with.

On motion made and seconded, the said Bill was read a third time, and the question being put if it do now pass, was carried in the affirmative; whereupon the Speaker signed the same, and it was by the Master in Chancery carried down and returned to the Commons House of Assembly.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into further consideration the Bill intituled "An Act to authorize the appointment of District Attorneys, and to regulate the fees of Justices of the Peace, and Clerks of the Peace within this Province." House in Committee. Mr. Dickson in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some amendments to the Bill, which they recommended to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded, the amendments were read, ordered to be engrossed, and read a third time this day.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up and delivered a message in the following words:

Mr. Speaker: The Commons House of Assembly requests a conference with the Hon. the Legislative Council, on the subject matter of the Bill intituled "An Act for the relief of George DeLong, George Bates, Hiram Spafford, Alexander Gardner, Thomas Dowsley and James Smith."

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly,
15th March, 1823.

The deputation having withdrawn, the said message was read.

A message in the following words, being signed by the Speaker, was by the Master in Chancery carried down and delivered to the Commons House of Assembly:

Mr. Speaker: The Honorable the Legislative Council have agreed to a conference with the Commons House of Assembly, on the subject matter of the Bill intituled "An Act for the relief of George DeLong, George Bates, Hiram Spafford, Alexander Gardner, Thomas Dowsley and James Smith," and have appointed a Committee of two members, who are now ready to meet a Committee of the Commons House of Assembly for that purpose in the joint Committee Room.

(Signed) WM. DUMMER POWELL, Speaker.

Legislative Council Chamber,
15th March, 1823.

On motion made and seconded, the Hon. Messrs. Dickson and Wells were appointed a Committee for that purpose.

On motion made and seconded, the House adjourned during pleasure.

The House formed.

The Committee appointed to confer on the subject matter of the Bill intituled "An Act for the relief of George DeLong, George Bates, Hiram Spafford, Alexander Gardner, Thomas Dowsley and James Smith," reported that the Commons House of Assembly wished to learn the reasons for amending the Bill.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take the said report into consideration. House in Committee. Mr. Clark in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee recommended that a select Committee be appointed to search for precedents. Ordered that the report be accepted.

On motion made and seconded, the Hons. Messrs. Dickson and Strachan were appointed a Committee for that purpose, who reported as follows:

Your Committee in search for precedents which the shortness of the time allowed enabled them to make on the report of your Committee of Conference from the House of Assembly on the subject matter of the amendments made to a Bill intituled "An Act for the relief of George DeLong, George Bates, Hiram Spafford, Alexander Gardner, Thomas Dowsley and James Smith," found that by the custom of Parliament the one House disagreeing to the amendments made to any Bill in its progress through the other House, state their reasons for such disagreement, but the House making the amendments is not called upon to give their reasons.

All of which is respectfully submitted.

(Signed) WILLIAM DICKSON, Chairman.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into further consideration the Bill intituled "An Act granting to Daniel Harris of Toronto, in the Home District of this Province, the exclusive privilege of using or permitting to be used his new invented method of manufacturing Pot and Pearl Ashes for the time therein mentioned." House in Committee. Mr. Wells in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some amendments to the Bill, which they recommended to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded, the amendments were read, ordered to be engrossed, and the Bill as amended read a third time this day.

On motion made and seconded, the House resolved itself into a Committee of the Whole, to take into further consideration the Bill intituled "An Act to repeal an Act passed in the fifty-eighth year of His late Majesty's Reign, intituled 'An Act to authorize the inquiry and trial of offences committed within the Province without the limits of any described township or county thereof.'" House in Committee. Mr. Crookshank in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some further progress in the Bill, and requested leave to sit again this day three months. Ordered that the report be accepted, and leave given accordingly.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up and delivered a message in the following words:

Mr. Speaker: The Commons House of Assembly have concurred in the amendments made by the Honorable the Legislative Council in and to the Bills intituled

"An Act for the relief of Matthew Crooks, Esq.," and "An Act for the relief of John P. Clement."

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly,
15th March, 1823.

The deputation having withdrawn, the said message was read.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up and delivered a message in the following words:

Mr. Speaker: The Commons House of Assembly have concurred in the amendments made by the Honorable the Legislative Council in and to the Bill intituled "An Act for the relief of George DeLong, George Bates, Alexander Gardner, Thomas Dowsley and James Smith."

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly,
15th March, 1823.

The deputation having withdrawn, the said message was read.

Pursuant to the order of the day, the Bill intituled "An Act to authorize the appointment of District Attorneys and to regulate the fees of Justices of the Peace and Clerks of the Peace within this Province," was read a third time as amended, and the question being put if it do now pass was carried in the affirmative, whereupon the Speaker signed the amendments, and the Bill as amended was by the Master in Chancery carried down and returned to the Commons House of Assembly.

Pursuant to the order of the day, the Bill intituled "An Act granting to Daniel Harris, of Toronto, in the Home District of this Province, the exclusive privilege of using or permitting to be used his new invented method of manufacturing Pot and Pearl Ashes for the time therein mentioned" was read a third time as amended, and the question being put if it do now pass was carried in the affirmative, whereupon the Speaker signed the amendments and the Bill as amended was by the Master in Chancery carried down and returned to the Commons House of Assembly.

On motion made and seconded, the House adjourned until Monday at 10 o'clock a.m.

Monday, 17th March, 1823.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell (Speaker), James Baby, William Dickson, Thomas Clark, George Crookshank, Rev. John Strachan, Joseph Wells, Duncan Cameron, and John Henry Dunn. Prayers were read.

A deputation from the Commons House of Assembly being announced, it was admitted and brought up, and delivered a message in the following words:—

Mr. Speaker,—The Commons House of Assembly have concurred in the amendments made by the Hon. the Legislative Council in and to the Bill sent up from this House intituled, "An Act granting to Daniel Harris of Toronto, in the Home District of this Province, the exclusive privilege of using or permitting to be used his new invented method of manufacturing Pot and Pearl Ashes for the time therein mentioned."

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 17th March, 1823.

The deputation having withdrawn, the said message was read.

On motion made and seconded, ordered that the Hons. Messrs. Baby, Crookshank, and Strachan be a Committee to make, during the Recess, such improvement as they may think proper in the furnishing of the Legislative Council Chamber, and to import for the use of the House an edition of the Statutes at large.

On motion made and seconded, the House adjourned until to-morrow at one o'clock.

Tuesday, 18th March, 1823.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell (Speaker), William Dickson, Thomas Clark, George Crookshank, Rev. John Strachan, Joseph Wells, Duncan Cameron, and John Henry Dunn. Prayers were read.

On motion made and seconded, the House adjourned until to-morrow at one o'clock p.m.

Wednesday, 19th March, 1823.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell (Speaker), James Baby, William Dickson, Thomas Clark, George Crookshank, Rev. John Strachan, Joseph Wells, Duncan Cameron, John Henry Dunn. Prayers were read.

At 3 o'clock His Excellency the Lieutenant Governor being come to the House and seated on the Throne, the Gentleman Usher of the Black Rod was ordered to direct the immediate attendance of the Speaker, Members and Officers of the House of Assembly at the Bar of this House; and they being come thereto, His Excellency was pleased in His Majesty's name to assent to the following Bills:—

1. An Act to provide for the establishment of a Public School in the Ottawa District.

2. An Act for the relief of John Boswell.

3. An Act to permit the importation of machinery into this province free from duty for a limited time.

4. An Act granting to His Majesty a sum of Money for the support of a Public School in the Bathurst District.

5. An Act granting to His Majesty a sum of Money to be applied in the payment of a salary for the Sheriff of the Bathurst District.

6. An Act to provide for the erection of a Jail and Court House in and for the Home District.

7. An Act to provide for the completion of the Jail and Court House in the London District of this Province.

8. An Act to amend and repeal part of an Act intituled "An Act to incorporate sundry persons under the style and title of the President, Directors, and Company of the Bank of Upper Canada."

9. An Act to continue for a limited time an Act passed in the fifty-eighth year of His late Majesty's reign, intituled, "An Act to continue, repeal part of, and amend an Act passed in the fifty-sixth year of His Majesty's reign, intituled, 'An Act granting to His Majesty duties on licenses to Hawkers, Pedlars, and Petty Chapmen and other trading persons therein mentioned,' and to extend the provisions of the same."

10. An Act to continue for a limited time an Act passed in the fifty-eighth year of His late Majesty's reign, intituled, "An Act granting to His Majesty a

Duty on Licenses to Auctioneers, and on goods, wares, and merchandise sold by auction."

11. An Act to repeal part of the 10th Clause of an Act passed in the forty-eighth year of His late Majesty's reign, intituled, "An Act to explain and amend and reduce to one Act of Parliament the several laws now in being for the raising and training the Militia of this Province," and also part of an Act passed in the last Session of the present Parliament intituled "An Act to repeal part of and amend the laws now in force for the raising and training the Militia of this Province," and to increase the strength of the companies of Militia.

12. An Act for the relief of teachers of Common Schools in the Niagara District.

13. An Act granting to His Majesty a sum of money for the purposes therein mentioned.

14. An Act providing for the publication of reports of the decisions of His Majesty's Court of King's Bench in this Province.

15. An Act to afford relief to persons claiming lands in this Province under assignments, from heirs, devisees, or assignees of the original nominees of the Crown in cases where no patents have issued and for other purposes therein mentioned.

16. An Act for the division of the Township of Ameliasburgh, in the County of Prince Edward.

17. An Act to restrain the selling of Beer, Ale, Cider and other Liquors not spirituous in certain towns and villages in this Province and to regulate the manner of licensing ale-houses within the same.

18. An Act for the relief of George De Long, George Bates, Alexander Gardner, Thomas Dowsley and James Smith.

19. An Act to repeal part of an Act passed in the first year of His Majesty's reign intituled, "An Act for altering the time of holding the General Quarter Sessions of the Peace in the Home District," and further to fix the time of holding the said Quarter Sessions.

20. An Act for the better preservation of the Herring Fishery at the Outlet of Burlington Bay.

21. An Act to repeal part of an Act passed in the fifty-ninth year of His late Majesty's reign intituled, "An Act to repeal an ordinance of the Province of Quebec passed in the twenty-fifth year of His Majesty's reign intituled 'An ordinance concerning Land Surveyors and the admeasurement of Lands,' and also to extend the provisions of an Act passed in the thirty-eighth year of His Majesty's reign intituled 'An Act to ascertain and establish on a permanent footing the Boundary Lines of the different Townships of this Province, and further to regulate the manner in which lands are hereafter to be surveyed,' in so far as it respects the Township of Cramahe, and to make other provisions for ascertaining the side lines of lots within the same, and also to authorize the correction of the eastern side line of said Township.

22. An Act prescribing the mode of measuring the contents of Wooden Stills, also fixing the rate of duty to be paid on all stills used for the distillation of spirituous liquors within this Province.

23. An Act vesting in the hands of certain Commissioners therein named all the Stock, Debts, Bonds, and Property of the pretended Bank of Upper Canada lately established for the benefit of the creditors of that Institution.

24. An Act for granting to His Majesty a Sum of Money for the purpose therein mentioned.

25. An Act to repeal part of an Act to amend and extend the provisions of an Act passed in the second year of the Reign of His present Majesty intituled "An Act to repeal the laws now in force relative to the Preservation of Salmon, and to make further provisions respecting the Fisheries in certain parts of this province, and also to prevent accidents by fire from persons fishing by torch or fire-light,"

26. An Act to make good certain moneys issued and advanced by His Excellency the Lieutenant Governor in pursuance of the Address of the House of Assembly of this Province.

27. An Act granting to His Majesty a sum of Money to defray certain charges for the Administration of Justice and support of the Civil Government of this Province.

28. An Act to provide a salary for the Adjutant General of Militia in this Province and for other purposes therein mentioned.

29. An Act to continue and amend an Act passed in the fifty-ninth year of His late Majesty's reign, intituled "An Act for establishing a Police in the Town of Niagara, in the District of Niagara, and for other purposes therein mentioned."

30. An Act to authorize the Minister and Church Wardens of Saint George's Church, Kingston, to surrender certain lands therein mentioned.

31. An Act to repeal an Act passed in the thirty-second year of His late Majesty's reign intituled "An Act to establish the Winchester Measure and a standard for other weights and measures throughout this Province," and to appropriate a sum of money for the purpose of obtaining a standard for weights and measures for this Province.

32. An Act to provide an addition allowance to the Rev. Robert Addison, Chaplain of the House of Assembly, for his long and faithful services as Chaplain thereof.

33. An Act for the relief of Matthew Crooks, Esquire.

34. An Act to make additional provision for the improvement of the Inland Navigation of this Province.

35. An Act to provide for the appointment of Commissioners to investigate the claims of certain Inhabitants of this Province for losses sustained by them during the late war with the United States of America, and for other purposes therein mentioned.

36. An Act to provide for constructing a Navigable Canal between Burlington Bay and Lake Ontario.

His Excellency the Lieutenant Governor was pleased to reserve the following Bills for the signification of His Majesty's pleasure thereon:—

1. An Act to repeal part of an Act passed in the thirty-third year of His late Majesty's reign, intituled "An Act to establish a Court of Probate in this Province and also a Surrogate Court in every District thereof," also part of an Act passed during the last session of the present Parliament, intituled "An Act to reduce into one Act the several laws now in force establishing District Courts and regulating the practice thereof, and also to extend the powers of the said District Courts, and also part of an Act passed during the present session, intituled 'An Act to provide for the establishments of Courts in the District of Bathurst and for other puposes therein mentioned,' and also to alter the time of holding the District and Surrogate Courts and further to extend the powers of the said District Courts."

2. An Act granting to Daniel Harris, of Toronto, in the Home District of this Province, the exclusive privilege for using or permitting to be used his new

invented method of manufacturing Pot and Pearl Ashes for the time therein mentioned.

3. An Act granting to His Majesty a sum of Money annually to defray the interest on a Loan to be raised for compensating certain of the Inhabitants of this Province for losses sustained by them during the late war with the United States of America.

His Excellency the Lieutenant Governor was also pleased to withhold His Majesty's assent to the following Bill:

An Act for the relief of John P. Clement.

After which His Excellency was pleased to Address the Houses of the Legislature in the following words:

Honorable Gentlemen of the Legislative Council and Gentlemen of the House of Assembly,—The state of the public business not requiring the continuance of your deliberations, I think it proper to close this Session of the Provincial Parliament.

The gratification which you would otherwise have enjoyed in promoting works of public utility, have unavoidably been limited by the temporary diminution in our receipt from Quebec, and by the demand upon the Public Revenue for defraying the interest of the projected Loan for the relief of the sufferers by the late war, a measure which was proposed for your co-operation at the Opening of the Session. The Bill which you have presented to me for this purpose is from its nature necessarily reserved for the signification of His Majesty's pleasure.

The consideration which you have given to the laws about to expire, and particularly the judicious amendments which you have made in continuing the Act for regulating the duty on Stills, call for my warm acknowledgements.

I feel persuaded that very important benefits will result from the pains which you have taken in order to procure a faithful authoritative record of judgments pronounced in the Court of King's Bench.

By the means which you have afforded me, though not, I fear, sufficiently amply to defray the charge of an additional Circuit in all those Districts with which there may be a suitable communication by land from this seat of Government, I shall nevertheless be enabled to establish a second assize in those which from their increase in population call for it in a more particular manner. I had hoped it might have been found possible to extend the advantage of such Gaol deliveries to other parts of the Province by some enactment which would enable prisoners to claim the privilege of trial at the nearest Assize, and I hope that it may hereafter be found practicable by some temporary provision to accomplish this object.

By these measures you have shown yourselves anxious to ensure to your country those solid benefits of security, peace, and good order which are only to be completely enjoyed when our great Constitutional principle of Government by Law is rendered effectual by the easy and upright administration of justice.

Gentlemen of the House of Assembly,—I thank you in the name of His Majesty for the supplies you have unanimously voted for the service of this year.

In addressing you, probably for the last time, I feel much gratified in being enabled to express to you my approbation of the principles which have governed your appropriation of the Public Means, and which have been characterized as well by a scrupulous attention to the interests of the people as by a proper regard to the honorable support of His Majesty's Government.

Honorable Gentlemen and Gentlemen,—The contemplated Union of the two Legislatures is still depending in His Majesty's Councils, in which I am authorized to assure you there still exists the greatest anxiety to promote by every means the interests, safety, and prosperity of both Canadas. Whatever measures may be finally adopted will proceed only from this principle, and with a decided aim to accomplish these objects. Such are your Sovereign's paternal feelings respecting this valued portion of His Dominions. Should a more extensive field of Legislation be opened to your exertions His Majesty entertains a confident expectation that you will carry with it a spirit of harmony and conciliation, with that disposition to promote His Majesty's honor and his people's welfare which has so eminently distinguished your conduct; and the happy effects of which have been manifest not only within the circle of this Province, but, as you have in a particular manner experienced on late occasions, in that consideration and confidence which it has acquired for the representations of this Legislature with the Government of the Parent State.

The Honorable the Speaker of the Legislative Council then said:—

It is His Excellency Lieutenant Governor's will and pleasure that this Provincial Parliament be prorogued until the twenty-eighth day of April next, to be then here holden, and the Provincial Parliament is prorogued accordingly.

I certify the foregoing to be a correct transcript of the Minutes of Proceedings of the Legislative Council in the third session of the eighth Provincial Parliament of Upper Canada.

JOHN POWELL, C.L.C.

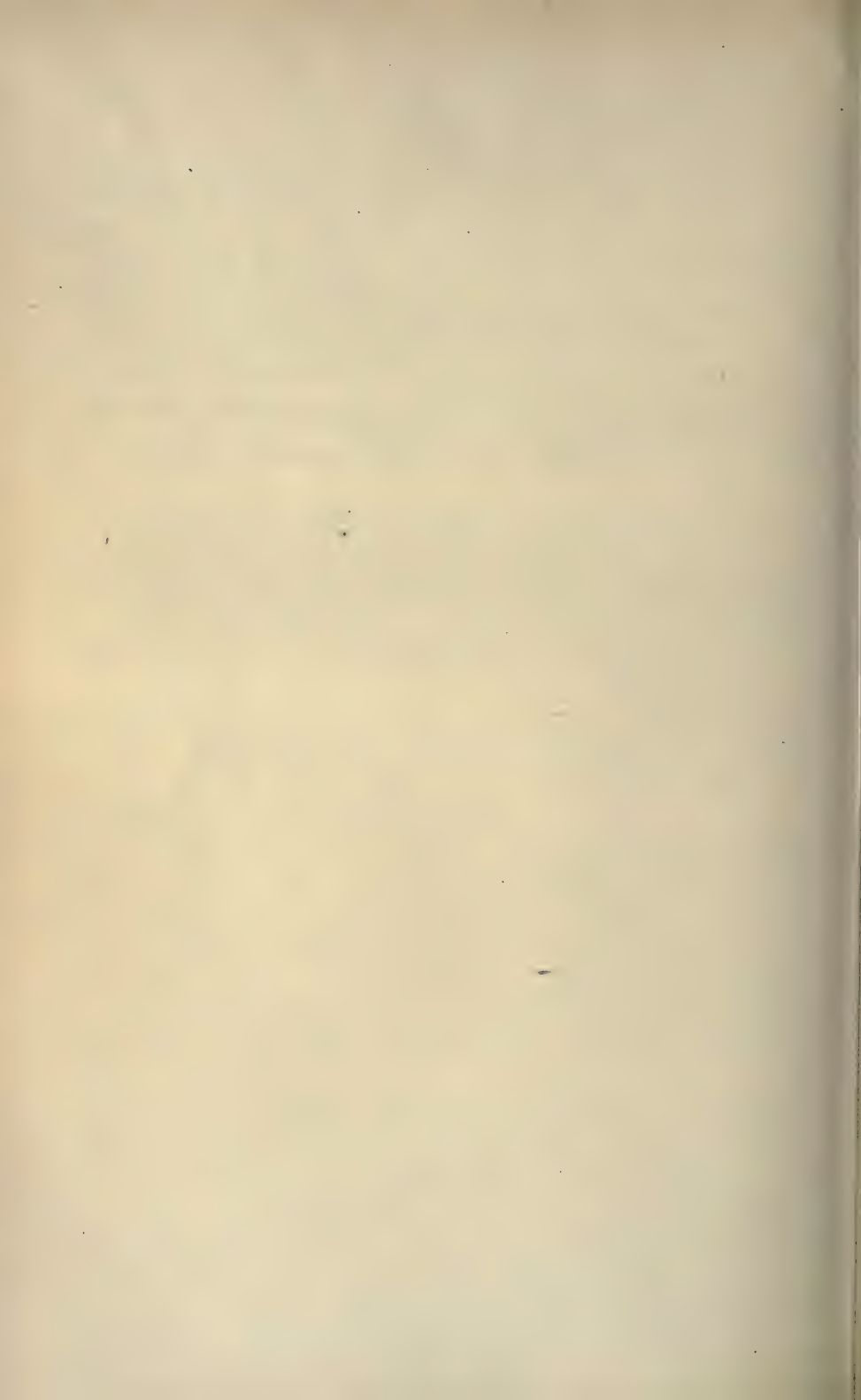
Certified to be true copies from the records in the Colonial Office.

GEO. MAYER,

Librarian and Keeper of the Records.

Colonial Office.

Downing Street, 24th March, 1856.



Journals and Proceedings
OF THE
LEGISLATIVE COUNCIL
OF THE PROVINCE OF
UPPER CANADA

From Tuesday, the 11th of November, 1823,
to Monday, the 19th of January, 1824,

Being the Fourth and Fifth Years of the Reign of
KING GEORGE THE FOURTH

LEGISLATIVE COUNCIL

UPPER CANADA

York, 11th November, 1823

The Provincial Legislature having been by Proclamation prorogued to this day at half-past two o'clock p.m. the House met accordingly

Present: The Hons. William Dummer Powell, Speaker; James Baby, John McGill, George Crookshank, Reverend John Strachan, Joseph Wells, Duncan Cameron, John Henry Dunn.

At half-past two o'clock His Excellency the Lieutenant Governor having come to the Legislative Council Chamber and being seated on the Throne, the Gentleman Usher of the Black Rod was directed to command the attendance of the Speaker and Members of the Commons House of Assembly at the Bar of this House, and they being come thereto, His Excellency was pleased to address both Houses of the Provincial Parliament in the following words:

Honorable Gentlemen of the Legislative Council, and Gentlemen of the House of Assembly,—I have much satisfaction in meeting you at a period in which nothing in the situation of Foreign affairs appears likely to disturb the peace of the United Empire; when a spirit of contented industry and obedience to the Laws prevails generally among the people of this Colony, and the depression of value in the chief productions of the country, consequent upon the termination of the war, is gradually diminishing.

On the review of our internal condition, I am sensible that much benefit has attended the wise and temperate manner in which those powers and privileges have been exercised which are vested by the Constitution in this great Council of the Province.

Gentlemen of the House of Assembly,—I have ordered the proper officer to lay before you the Public Accounts, and the estimates for the ensuing year, and I rely on your wisdom and just liberality to make such provision as shall be requisite for the proper support of His Majesty's Government.

I am not at present enabled to inform you in what manner the recent measures of the Imperial Parliament for the general regulation of the Colonial Trade have affected that portion of our revenue which is collected at the port of Quebec, but a change tending to remove restrictions upon commerce may be expected naturally to have produced a result beneficial to our finances.

Notwithstanding the economy which you have practised, and to which I have always been desirous to give effect, I regret that the Provincial Treasury is not in a situation that will enable you to afford material aid to the variety of public objects which it is desirable to promote, but I trust that at no very distant period the resources of this Colony will, without any severe additional burthens on the people, rise so far above the ordinary demands, that it will be in the power of the Legislature to give an effectual impulse to public improvement.

Honorable Gentlemen and Gentlemen,—Since the close of the last Session the arbitrators appointed under the Canada Trade Act have reported their decision on the arrears of revenue due to Upper Canada from the Sister Colony; the amount awarded has not been paid into the Treasury of this Province, but I am assured that no material delay is to be apprehended.

You will doubtless direct your attention to such Provincial Laws as are about to expire; of these the enactment for regulating our commercial intercourse with the United States of America will appear of most immediate importance, and to require more than ordinary consideration in order that its provisions may be rendered consistent with the spirit of the acts which have been recently passed by the Imperial Parliament to regulate the trade of the British Colonies in general, and in particular of His Majesty's North American Provinces.

The cordial intercourse so happily established between the two Houses of the Legislature upon a practical discernment of their just and constitutional relations, and my past experience of your public spirit, afford me the best assurance that whatever matters of general interest I shall find it expedient to bring before you, will be entertained with zeal and attention, and I rely upon the steady continuance of your exertions in pursuit of such objects as may tend, under the favor of Divine Providence, to improve the growing resources of the Country, and to increase and confirm the sound welfare of the people.

The House of Assembly having withdrawn, His Excellency the Lieutenant Governor was pleased to retire.

Prayers were read.

The Speaker informed the House that he was in possession of a copy of His Excellency's Speech, which he read, and it was again read (*pro forma*) by the Clerk.

It was moved and seconded that a Committee be appointed, to prepare an address to His Excellency the Lieutenant Governor in answer to his speech, and the Honorable Messrs. Baby, Crookshank and Strachan were appointed a Committee for that purpose.

On motion made and seconded, the House adjourned until to-morrow at 3 o'clock p.m.

Wednesday, 12th November, 1823.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell, Speaker; James Baby, John McGill, George Crookshank, Reverend John Strachan, Joseph Wells, Duncan Cameron, John Henry Dunn.

Prayers were read.

The Committee appointed to prepare an Address in answer to the speech of His Excellency the Lieutenant Governor, reported that they had done so and they now submitted it to the consideration of the House. The Address being read, on motion made and seconded, the House resolved itself into a Committee of the Whole to take the same into consideration.

House in Committee, Mr. Baby in the Chair.

The Speaker resumed the Chair. The Chairman reported that they had taken the Address into consideration and had made some amendments thereto, which they recommended to the adoption of the House. Ordered that the report be accepted, and the Address as amended being read was ordered to be engrossed and read a third time to-morrow.

On motion made and seconded the Honorable Messrs. Baby and Crookshank were appointed a Committee to wait upon His Excellency the Lieutenant Governor, to know when he will be pleased to receive this House with their Address

On motion made and seconded, the House adjourned until to-morrow at 3 o'clock p.m.

Thursday, 13th November, 1823.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell, Speaker; James Baby, John McGill, George Crookshank, Reverend John Strachan, Duncan Cameron, John Henry Dunn.

Prayers were read.

The Committee appointed to wait upon His Excellency the Lieutenant Governor to know when he would be pleased to receive this House with their Address, reported that they had done so and that His Excellency had been pleased to appoint 12 o'clock noon to-morrow for that purpose.

Pursuant to the order of the day, the Address in answer to the speech of His Excellency the Lieutenant Governor was read a third time, and the question if it do now pass being put was carried in the affirmative. Whereupon the Speaker signed the same.

The Honorable and Reverend Doctor Strachan gave notice that he should, on Monday, move that this House do take into consideration the 54th Rule of the House.

The Honorable Duncan Cameron informed the House that he had received a letter from the Honorable William Claus, stating his health to be such that he would not be able to attend during the present Session.

On motion made and seconded the House adjourned until to-morrow at half-past 11 o'clock a.m.

Friday, 14th November, 1823.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell, Speaker; James Baby, John McGill, George Crookshank, Reverend John Strachan, Joseph Wells, Duncan Cameron, John Henry Dunn.

Prayers were read.

At twelve o'clock noon the Speaker, attended by the Members and Officers of his House, proceeded to the Government House and presented their Address as follows:

To His Excellency Sir Peregrine Maitland, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding His Majesty's Forces therein, etc.

May it please your Excellency,—We, His Majesty's most dutiful and loyal subjects the Legislative Council of Upper Canada, beg leave to approach your Excellency with our sincere acknowledgments, for your very gracious Speech from the Throne at the opening of the present Session of the Provincial Parliament.

Participating in the blessings of the general peace enjoyed by the United Empire, and in that spirit of contented industry and obedience to the Laws which prevails among the people of this Province, we most cordially join in the satisfaction so kindly expressed by your Excellency, a satisfaction much enhanced by the improving value of the chief productions of the Country, which had become greatly depressed on the termination of the late war.

We cannot but feel highly gratified to learn that the powers and privileges vested in us by the Constitution have been so wisely and temperately exercised as to have been attended, in your Excellency's opinion, with much benefit to the Province.

It is with much pleasure that we find that the arbitrators appointed under the Canada Trade Act have reported their decision, and that the sum awarded to this Province will, without any very material delay, be paid into the Treasury.

We shall not fail to direct our attention to such Provincial Laws as are soon to expire, and feeling sensible of the great importance of our commercial intercourse with the United States of America, and the necessity of making its provisions consistent with the spirit of the Acts which have been recently passed by the Imperial Parliament, to regulate the trade of the British Colonies in general, and more particularly of His Majesty's North American Provinces, we shall give to that object our most serious consideration.

Appreciating most highly the cordial intercourse so happily established between the two Houses of the Legislature, upon a practical discernment of their just and constitutional relations, we feel gratified in assuring your Excellency that our future conduct will most fully justify the confidence you are pleased to repose in our public spirit from past experience; that every matter of general interest which it may be found expedient to bring before us will be entertained with zeal and attention, and that your Excellency may safely rely upon the steady continuance of our exertions in pursuing such objects as may tend, under the favor of Divine Providence, to improve the growing resources of the Country and the sound welfare of its inhabitants.

Legislative Council Chamber,

13th November, 1823.

(Signed) WILLIAM DUMMER POWELL, Speaker.

To which His Excellency was pleased to make the following reply:—

Honorable Gentlemen of the Legislative Council,—I thank you for this kind and loyal address.

I receive with great satisfaction the assurances of your continued disposition to enter with zeal and industry into the consideration of such objects connected with the promotion of the general welfare as shall require your attention.

The Speaker, Members and Officers being returned to the Council Chamber the House formed.

The Speaker informed the House that he had received a copy of His Excellency's answer to their Address, which he read, and it was again read by the Clerk.

On motion made and seconded the House adjourned until Monday next at 2 o'clock p.m.

Monday, 17th November, 1823.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell, Speaker; James Baby, John McGill, George Crookshank, Reverend John Strachan, Angus Mackintosh, Duncan Cameron, George H. Markland, John Henry Dunn.

Prayers were read.

On motion made and seconded the House adjourned during pleasure.

The House formed.

Pursuant to notice given on Friday last, it was moved by the Honorable and Reverend Doctor Strachan, and seconded, that the call of the House as prescribed by the fifth rule be dispensed with, and that it be made on the last day of the second week after the commencement of each Session. Ordered that this House do take the motion into consideration to-morrow.

On motion made and seconded the House adjourned until 2 o'clock p.m. to-morrow.

Tuesday, 18th November, 1823.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell, Speaker; James Baby, John McGill, George Crookshank, Reverend John Strachan, Angus Mackintosh, Joseph Wells, Duncan Cameron, John Henry Dunn.

Prayers were read.

The Honorable the Speaker informed the House that he had received a letter from His Majesty's Attorney General, in answer to that which he had transmitted to him conveying the thanks of this House, which letter he read as follows:

York, November 17th, 1823.

Sir,—A few days before my departure from England I had the honor to receive your letter of the 5th of March last, conveying the resolutions of the Honorable Legislative Council, in which it was my happiness to find the manner in which I had fulfilled the objects of my mission spoken of by that Honorable House in terms of cordial approbation.

That in the judgment of the Legislative Council I have faithfully and successfully performed the duties committed to me, it is most satisfactory to me to learn.

By their condescension and kindness in expressing their judgment in the terms they have done, they have conferred upon me an obligation which I shall ever gratefully acknowledge, but I should neither act justly nor agreeably to my feelings if I omitted to declare that I found in His Majesty's Government so ready a disposition to bestow the fullest consideration upon the representations of which I was the bearer, that nothing was required of me but that anxious and diligent attention which it was in my power to afford, and which the Government and the Province had a right to expect from me.

I beg you to accept my sincere thanks for the obliging terms in which you communicated the resolutions of the Honorable Legislative Council.

I have the honor to be, Sir,

Your most obedient Humble Servant

(Signed) JNO. B. ROBINSON.

To the Honorable the Speaker of the Legislative Council, etc.

Pursuant to the order of the day the Honorable and Reverend Doctor Strachan's motion was taken into consideration.

Ordered that the fifth rule of the House be rescinded, and that on the second Friday after the commencement of each Session the House be called, and notice taken of such members as are absent not excused by His Majesty or his representative.

On motion made and seconded, the House adjourned until 2 o'clock p.m. to-morrow.

Wednesday, 19th November, 1823.

Several of the Members and the Officers of the House, being met at the hour which the House was adjourned, a message was sent from the Honorable the Speaker to say he was too unwell to attend, whereupon the House was adjourned until 2 o'clock p.m. to-morrow.

Thursday, 20th November, 1823.

It having been communicated to the Members that the continued indisposition of the Speaker prevented his attendance, the House was adjourned until 2 o'clock p.m. on Monday next.

Monday, 24th November, 1823.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell (Speaker), James Baby, George Crookshank, Reverend John Strachan, Angus Mackintosh, Duncan Cameron, George H. Markland, and John Henry Dunn.

In pursuance of the Fifth Rule of this House, the names of the members were called over as follows:—

The Hons. William Dummer Powell, Speaker (present), James Baby (present), John McGill (present), Thomas Scott (excused), William Claus (excused), Neil McLean (excused), William Dickson (absent), Thomas Clark (absent), George Crookshank (present), Reverend Doctor Strachan (present), Angus Mackintosh (present), Joseph Wells (present), Duncan Cameron (present), George M. Markland (present), and John Henry Dunn (present).

The Honorable Mr. Mackintosh presented a petition from the Inhabitants of the District of Bathurst. Ordered to lie upon the table.

The Honorable Mr. Markland presented a petition from the Inhabitants of the County of Grenville. Ordered to lie upon the table.

The Honorable Mr. Crookshank presented a petition from the Reverend John Dietrick Peterson, and one from the Presbyterians of York, which were ordered to lie upon the table.

A message from His Excellency the Lieutenant Governor being announced. Mr. Secretary Cameron was admitted, who informed the Speaker that he was directed by His Excellency to present to this House the Public Accounts of the Province for the last year. Mr. Secretary Cameron having withdrawn, the accounts were ordered to lie on the table.

A message from His Excellency the Lieutenant Governor being announced. Major Hillier was admitted, who informed the Speaker that he was directed to deliver to this House certain messages from His Excellency. Major Hillier having withdrawn, the said messages were read as follows:—

P. MAITLAND.

The Lieutenant Governor transmits to the Honorable Legislative Council an Account of Debentures issued under the authority of an Act of the Provincial Parliament passed in the second year of His Majesty's reign, chapter 5.

22nd November 1823.

P. MAITLAND.

The Lieutenant Governor transmits to the Honorable Legislative Council a copy of the report of the Commissioners appointed by an Act of the Provincial Parliament passed during the last Session, entitled, "An Act vesting in certain Commissioners therein named all the Stock, Debts, Bonds, and Property of the Pretended Bank of Upper Canada, lately established at Kingston, for the Benefit of the Creditors of that Institution.

22nd November, 1823.

P. MAITLAND.

The Lieutenant Governor thinks proper to recommend to the consideration of the Honorable Legislative Council the inadequacy of the means afforded by the existing laws for enabling the district officers upon whom the duty is imposed to furnish correct statements of the Population of the Province, and to devise some means for obtaining accurate periodical returns, which are indispensably required for various objects of public importance.

24th November, 1823.

On motion made and seconded, ordered that the House do to-morrow take the said messages into consideration.

On motion made and seconded, the House adjourned until to-morrow at 2 o'clock p.m.

Tuesday, 25th November, 1823.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell (Speaker), James Baby, Reverend John Strachan, Angus Mackintosh, Joseph Wells, Duncan Cameron, George H. Markland, and John Henry Dunn.

Prayers were read.

A deputation from the Commons House of Assembly being announced, it was admitted and brought up and delivered at the Bar of this House the following message and resolutions:—

Mr. Speaker,—The Commons House of Assembly transmits to the Honorable the Legislative Council certain resolutions on the subject of our Commercial Inter-course with the United States of America, which have passed this House, and requests the concurrence of the Honorable the Legislative Council therewith.

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 25th November, 1823.

Resolved, That it is expedient further to regulate by law the Commercial Inter-course of this Province with the United States of America.

Resolved, That from the great extent of coast of Upper Canada bordering on the United States of America affording the greatest facilities for smuggling, and against which it is impracticable by any law of the Province to establish effectual checks, that description of illicit traffic is carried on to an extent highly prejudicial to the revenue of the Province, destructive of the interest of the Fair Trader, and injurious to the morals of the people.

Resolved, That India Goods, more especially Tea, constitute the principle articles smuggled, which is entirely owing to the great difference in the price of those articles when purchased in the United States or imported from England.

Resolved, That an humble Address be presented to His Majesty praying that he will be graciously pleased to recommend to his Parliament such relaxations in the Laws of the Empire as will authorize his subjects of this Province to import direct from India such goods as they may require, the production of that country, and more particularly the article of tea, or that they may be permitted to supply themselves therewith through the United States of America upon the payment of a reasonable duty; or that if either of these measures be deemed inexpedient, some

arrangement may be made with the Honorable the East India Company for the annual supply of tea to the Provinces of Canada by direct importation through the agency of that Company.

From the minutes of Monday, 24th November.

(Signed) GRANT POWELL, Clk. Assy.

The Deputation having withdrawn, the said message and resolutions were read, and on motion made and seconded, ordered that the House do on Thursday next resolve itself into a Committee of the Whole to take the said resolutions into consideration.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into consideration the messages of His Excellency the Lieutenant Governor received yesterday, and to prepare the Addresses in answer thereto.

House in Committee. The Honorable and Reverend Doctor Strachan in the Chair. The Speaker resumed the Chair.

The Chairman reported that the Committee had taken the said Messages into consideration, and recommended that a committee be appointed to prepare answers thereto. Ordered that the report be accepted, and the Honorable Messieurs Wells and Markland were appointed accordingly.

The Honorable Mr. Dunn presented a petition from the Stockholders of the late Associated Bank of Upper Canada. Ordered to lie upon the table.

On motion made and seconded, the House adjourned during pleasure.

The House formed. The Committee appointed to prepare addresses in answer to the message of His Excellency the Lieutenant Governor received yesterday reported that they had done so. The addresses being read, on motion made and seconded, the House resolved itself into a Committee of the Whole to take them into consideration.

House in Committee. Mr. Mackintosh in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the addresses and recommended them to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that they be engrossed and read a third time to-morrow.

On motion made and seconded, the House adjourned until Thursday next at one o'clock p.m.

Thursday, 27th November, 1823.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell (Speaker), James Baby, John McGill, George Crookshank, Reverend John Strachan, Angus Mackintosh, Joseph Wells, George H. Markland, and John Henry Dunn.

Prayers were read.

Pursuant to the order of the day, the Addresses in answer to His Excellency the Lieutenant Governor's messages, received on the 24th instant, being engrossed, were read a third time, and the question being put upon each respectively if it do now pass, was carried in the affirmative, whereupon the Speaker signed the same as follows:—

To His Excellency Sir Peregrine Maitland, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding His Majesty's Forces therein. etc., etc., etc.

May it Please Your Excellency,—The Legislative Council return their respectful thanks to Your Excellency for having transmitted to them an account of Debentures issued under authority of an Act of the Provincial Parliament passed in the second year of His Majesty's reign.

(Signed) WILLIAM DUMMER POWELL, Speaker.

Legislative Council Chamber, 27th November, 1823.

To His Excellency Sir Peregrine Maitland, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding His Majesty's Forces therein, etc., etc., etc.

May it Please Your Excellency,—The Legislative Council return their respectful thanks to Your Excellency for having transmitted to them a copy of a Report of the Commissioners appointed by an Act of the Provincial Parliament passed during the last Session entitled, "An Act vesting in certain Commissioners therein named all the Stock, Debts, Bonds and Property of the pretended Bank of Upper Canada, lately established at Kingston, for the benefit of the Creditors of that Institution.

(Signed) WILLIAM DUMMER POWELL, Speaker.

Legislative Council Chamber, 27th November, 1823.

To His Excellency Sir Peregrine Maitland, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding His Majesty's Forces therein, etc., etc., etc.

May it Please Your Excellency,—The Legislative Council respectfully returns thanks for Your Excellency's recommending to them the consideration of the inadequacy of the means afforded by the existing laws for enabling the district officers upon whom the duty is imposed to furnish correct statements of the population of the Province, and will endeavour to devise some means for obtaining such accurate periodical returns as are indispensably required, for various objects of public importance.

(Signed) WILLIAM DUMMER POWELL, Speaker.

Legislative Council Chamber, 27th November, 1823.

On motion made and seconded, the Honorable Messieurs Crookshank and Strachan were appointed a committee to enquire when His Excellency would be pleased to receive the Addresses, and to present the same.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into consideration the resolutions of the House of Assembly sent up on the 25th instant for the concurrence of this House. House in Committee. Mr. McGill in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said Resolutions into consideration, and recommended that a conference be requested with the Commons House of Assembly on the subject matter thereof. Ordered that the report be accepted, and the Honorable Messieurs Crookshank and Strachan being appointed a committee for that purpose. A message in the following words, being signed by the Speaker, was by the Master in Chancery carried down and delivered to the Commons House of Assembly:—

Mr. Speaker,—The Honorable the Legislative Council request a conference with the Commons House of Assembly on the subject matter of the resolutions sent up by that House on the twenty-fifth instant, and have appointed a committee of two members who will be ready to meet the Committee of the Commons House of Assembly in the Joint Committee Room at two o'clock p.m. to-morrow.

(Signed) WILLIAM DUMMER POWELL, Speaker.

Legislative Council Chamber, 27th November, 1823.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into consideration the report of the Commissioners on the late pretended Bank of Upper Canada. House in Committee. Mr. Crookshank in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said report into consideration and recommended that a Select Committee be appointed to take the said Report, and also the Petition of the Stockholders presented on Tuesday last into consideration, with leave to report thereon by Bill or otherwise. Ordered that the report be accepted, and on motion made and seconded the Honorable Messieurs Baby, McGill, and Strachan were appointed a Committee for that purpose.

The Honorable Mr. Markland gave notice that he should bring in a Bill to repeal a certain Act made in England in the twenty-first year of the reign of His late Majesty King James the First, entitled "An Act to prevent the destroying and murdering of Bastard Children," and for making other provisions in lieu thereof.

On motion made and seconded, the House adjourned until to-morrow at one o'clock p.m.

Friday, 28th November, 1823.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell (Speaker), James Baby, John McGill, George Crookshank, Reverend John Strachan, Angus Mackintosh, Duncan Cameron, George H. Markland, and John Henry Dunn.

Prayers were read.

The Committee appointed to wait upon His Excellency the Lieutenant Governor to know when he would be pleased to receive the addresses of this House in answer to His Excellency's messages received on the twenty-fourth instant, reported that they had done so, and His Excellency being then ready to receive them they were presented accordingly.

A Deputation from the Commons House of Assembly being announced, it was admitted, and brought up and delivered a message in the following words:—

Mr. Speaker,—The Commons House of Assembly has appointed a Committee of four of its members to meet the Committee of the Honorable the Legislative Council in conference on the subject matter of the resolutions sent up by this House on the 25th instant at the time and place appointed.

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 27th November, 1823.

The deputation having withdrawn, the said message was read.

On motion made and seconded, the House adjourned during pleasure. The House formed.

The Committee appointed to meet the Committee of the Commons House of Assembly in conference on the subject matter of the resolutions dated 24th November sent up by the House of Assembly for the concurrence of this House, respectfully report that after much discussion it was at length agreed that the conferees should recommend to their respective Houses that a Joint Committee be appointed to draw up such a representation to His Majesty's Government on the subject of the said resolutions as might appear to them most conducive for obtaining the end in view, and to report such representation for the consideration of their respective Houses.

A deputation from the Commons House of Assembly being announced, it was admitted and brought up for the concurrence of this House a Bill entitled "An Act to repeal an Act passed in the forty-fourth year of the reign of His late Majesty George the Third, entitled 'An Act for the better securing this province against all seditious attempts or designs to disturb the tranquillity thereof,'" and a Bill entitled "An Act to alter and amend an Act passed in the fourth year of His Majesty's reign, entitled 'An Act to provide for the erection of a Gaol and Court House in and for the Home District.'"

The deputation having withdrawn, the said Bills were read a first time, and on motion made and seconded, the Bill entitled "An Act to alter and amend an Act passed in the fourth year of His Majesty's reign, entitled 'An Act to provide for the erection of a Gaol and Court House in and for the Home District,'" was ordered to be read a second time on Monday next.

On motion made and seconded, the House adjourned until Monday next at 1 o'clock p.m.

Monday, 1st December, 1823.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell (Speaker), James Baby, John McGill, William Dickson, Thomas Clark, Angus Mackintosh, Reverend John Strachan, Joseph Wells, Duncan Cameron, George H. Markland, and John Henry Dunn.

Prayers were read.

Pursuant to the Order of the Day, the Bill intituled "An Act to alter and amend an Act passed in the fourth year of His Majesty's reign, entitled 'An Act to provide for the erection of a Gaol and Court House in and for the Home District,'" was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Dickson in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded the Bill was ordered to be read a third time to-morrow.

Agreeably to notice, the Honorable Mr. Markland brought in a Bill to repeal a certain Act made in England in the twenty-first year of the reign of His late Majesty King James the First, intituled "An Act to prevent the destroying and murdering of Bastard Children," and for making other provisions in lieu thereof, which was read a first time, and on motion made and seconded, ordered to be read a second time to-morrow.

The Honorable Duncan Cameron presented a Petition from the Sheriff of the Ottawa District. Ordered to lie upon the table.

The Honorable Mr. Markland presented several Petitions from the Inhabitants of the Town of Kingston. Ordered to lie upon the table.

A deputation from the House of Assembly being announced it was admitted, and brought up for the concurrence of this House a Bill, entitled "An Act to reduce into one Act the several Statutes of this Province respecting the election of Members of the House of Assembly, and the qualifications of voters and candidates at such elections, and also to provide against fraud in obtaining qualifications to vote at elections." The deputation having withdrawn, the Bill was read a first time, and on motion made and seconded, ordered to be read a second time to-morrow.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up and delivered a message in the following words:—

Mr. Speaker,—The Commons House of Assembly has adopted the Report of their Committee on the Conference with the Committee of the Honorable the Legislative Council on the subject matter of the resolutions sent from this House to the Honorable the Legislative Council respecting the importation of tea into this Province.

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 1st December, 1823.

The Deputation having withdrawn, the said message was read.

On motion made and seconded the House adjourned during pleasure. The House formed.

A deputation from the House of Assembly being announced, it was admitted, and brought up and delivered a message in the following words:—

Mr. Speaker,—The Commons House of Assembly requests a conference with the Honorable the Legislative Council upon the subject of the Message of His Excellency the Lieutenant Governor recommending to the Legislature to make some more effectual provision for obtaining an accurate census of the population of this Province.

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 1st December, 1823.

The deputation having withdrawn, the message was read. On motion made and seconded, the Honorable Messieurs Dickson and Markland being appointed a Committee to confer with the Committee of the Commons House of Assembly, a message in the following words, being signed by the Speaker, was by the Master in Chancery carried down and delivered to the House of Assembly:—

Mr. Speaker,—The Honorable the Legislative Council have agreed to a Conference with the Commons House of Assembly upon the subject of the message of His Excellency the Lieutenant Governor recommending to the Legislature to make some more effectual provision for obtaining an accurate census of the population of this Province, and have appointed a committee of two of its members for that purpose, who will be ready to meet the Committee of the Commons House of Assembly at 12 o'clock noon to-morrow in the joint Committee Room.

(Signed) WILLIAM DUMMER POWELL, Speaker.

Legislative Council Chamber, 1st December, 1823.

On motion made and seconded, the Honorable Messieurs Crookshank, Strachan and Markland were appointed a Committee to prepare, jointly with a Committee of the Commons House of Assembly, a representation to His Majesty's Government, founded upon the resolutions dated the 24th November last sent up from the House of Assembly for the concurrence of this House relative to the importation of tea into this Province.

On motion made and seconded the House adjourned until to-morrow at 1 o'clock p.m.

Tuesday, 2nd December, 1823.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell (Speaker), John McGill, William Dickson, Thomas Clark, George Crookshanks, Reverend John Strachan, Angus Mackintosh, Joseph Wells, Duncan Cameron, George H. Markland, and John Henry Dunn.

Prayers were read.

On motion made and seconded, ordered that so much of the order of the day as relates to the third reading of the Bill intituled "An Act to alter and amend an Act passed in the fourth year of His Majesty's reign, entitled 'An Act to provide for the erection of a Gaol and Court House in and for the Home District,'" be discharged and that the Bill be now re-committed. House in Committee, Mr. Dickson in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said Bill into consideration and had made some amendments thereto, which they recommended to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded the Bill was read as amended, the amendments ordered to be engrossed, and the Bill as amended read a third time.

Pursuant to the order of the day, the Bill to repeal an Act of Parliament made in England in the twenty-first year of the reign of His late Majesty King James the First, entitled "An Act to prevent the destroying and murdering of Bastard Children," was read a second time, and on motion made and seconded, the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee, Mr. Clark in the Chair.

The Speaker resumed the Chair. The Chairmân reported that the Committee had gone through the Bill and made some amendments thereto, which they recommended to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded the amendments were read and the Bill as amended ordered to be read a third time to-morrow.

Pursuant to the order of the day, the Bill intituled "An Act to reduce into one Act the several Statutes of this Province respecting the Election of Members of the House of Assembly and the qualification of Voters and Candidates at such Elections, and also to provide against fraud in obtaining qualifications to Vote at Elections," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the said Bill into consideration. House in Committee, Mr. Cameron in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and requested leave to sit again to-morrow. Ordered that the report be accepted and leave given accordingly.

A message being signed by the Speaker was by the Master in Chancery carried down and delivered to the Commons House of Assembly in the following words:—

Mr. Speaker,—The Honorable the Legislative Council have appointed a Committee of three of its members who will be ready to meet a Committee of the Commons House of Assembly in the Joint Committee Room at 12 o'clock noon to-morrow to prepare a representation to His Majesty's Government founded upon the resolutions sent up from the House of Assembly, dated the 24th day of November, respecting the importation of tea into this Province.

(Signed) WILLIAM DUMMER POWELL, Speaker.

Legislative Council Chamber, 2nd December, 1823.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill, intituled "An Act to divide the County of Carleton in the Bathurst District." The deputation having withdrawn, the Bill was read a first time, and on motion made and seconded ordered to be read a second time to-morrow.

On motion made and seconded, the House adjourned until to-morrow at 1 o'clock p.m.

Wednesday, 3rd December, 1823.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell (Speaker), James Baby, John McGill, William Dickson, Thomas Clark, Reverend John Strachan, Angus Mackintosh, Joseph Wells, Duncan Cameron, George H. Markland, and John Henry Dunn.

Prayers were read.

Pursuant to the order of the day, the Bill intituled "An Act to alter and amend an Act passed in the fourth year of His Majesty's reign entitled 'An Act to provide for the erection of a Gaol and Court House in and for the Home District,'" was read a third time as amended, and the question being put if the said Bill as amended do now pass, was carried in the affirmative. Whereupon the Speaker signed the amendments and the said Bill with the Amendments were by the Master in Chancery carried down, and returned to the Commons House of Assembly.

Pursuant to the order of the day, the Bill to repeal an Act of Parliament made in England in the twenty-first year of the reign of His late Majesty King James the First, intituled "An Act to prevent the destroying and murdering of Bastard Children," was read a third time, and on a motion made and seconded it was ordered that it be intituled, "An Act to repeal an Act of Parliament made in England in the twenty-first year of the reign of his late Majesty King James the First, entitled 'An Act to prevent the destroying and murdering of Bastard Children,' and to make other provisions in lieu thereof," and the question being put if the Bill do now pass, was carried in the affirmative. Whereupon the Speaker signed the same and the said Bill was by the Master in Chancery carried down and delivered to the Commons House of Assembly.

The Committee appointed to meet the Committee of the Commons House of Assembly upon the subject of the message of His Excellency the Lieutenant Governor recommending to the Legislature to make some more effectual provision for

obtaining an accurate census of the population of this Province respectfully report, That "The Committee are of opinion that the failure in obtaining, by the present mode, an accurate return of the population of this Province, arises from the circumstance that the Town Clerks whose duty it is at present to ascertain the population, having no other duty to perform which obliges them to visit the householders within their respective precincts, there being but a small remuneration provided for their obtaining an accurate return, have usually neglected the performance of their duties, and as a knowledge of the state of the population has not been necessary for any district purpose the omission has passed so frequently unnoticed that the system has become altogether ineffectual.

"It appears to the Committee that the duty would be better performed by the assessors, who are under the necessity of actual calling upon every householder in order to discharge the duties now imposed upon them, which duties as the receipts of the District Treasurers are altogether dependent upon them, are necessarily more rigidly exacted.

"If the assessors were required to insert columns in their lists for the numbers of males above sixteen, under sixteen, females above sixteen, under sixteen, and their attestations to their returns so framed as to exact of them an oath that they have made their several lists from actual attendance at the several houses within their limits, and that they contain a true and accurate account of the population to the best of their belief, it is thought by the Committee that a census as accurate as can be expected by any general measure can be obtained. The Committee consider that a remuneration beyond that given to the assessors for the present duties should be allowed for the additional duties contemplated, not upon the principle which regulates that to the Town Clerks, which as it measures the payment by the number of souls returned, is liable to an obvious exception, but perhaps rather by a proportionate addition to the rate of poundage, which would in a less exceptionable way reward them according to their trouble. The due performance of the assessor's duties might be insured by penal ties, and it might be provided that no remuneration should be paid them for any part of their services until they have delivered in their sworn returns of population. The Committee took into consideration the importance of obtaining for present purposes a census of the population of the Province by a mode which should render its accuracy undoubted, which might probably best be effected by the appointment of an intelligent person for each district for that particular duty, and it appeared also to the Committee that it might be highly expedient to provide by a similar measure for the taking of an accurate census by an independent officer at stated periods, perhaps once in four years, by which means the correctness of the assessor's returns would be ascertained, and a perfect census be occasionally procured. Such a provision, it seemed to the Committee, would be attended with a very considerable expense to the Province, unless it should be thought proper to make it a charge against the respective District Treasuries, and whether with this consideration the necessity of such a subsidiary measure in addition to the plan suggested be sufficient to warrant its adoption is respectfully submitted by the Committee to their respective Houses."

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into further consideration the Bill entitled "An Act to reduce into one Act the several Statutes of this Province respecting the Election of Members of the House of Assembly, and the Qualification of Voters and Candidates at such Elections, and also to provide against fraud in obtaining qualifications to vote at Elections." House in Committee, Mr. Cameron in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some further progress in the Bill, and recommended that a Select Committee be appointed to examine into and report upon the Bill. Ordered that the report be accepted, and on motion made and seconded the Honorable Messieurs Dickson, Strachan and Markland were appointed a Committee for that purpose.

On motion made and seconded, ordered that so much of the order of the day as relates to the second reading of the Bill, entitled "An Act to divide the County of Carleton, in the Bathurst District," be postponed till Friday next.

The Honorable Mr. Dunn presented the petition of Hiram Spafford. Ordered to lie upon the table.

The Honorable Mr. Dickson presented a petition from John Putman Clement. Ordered to lie upon the table.

The Honorable Mr. McGill presented a petition from the inhabitants of the Home and Gore Districts. Ordered to lie upon the table.

On motion made and seconded, several petitions from the inhabitants of the town of Kingston were read.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill intituled "An Act for the Relief of John Putman Clement," a Bill intituled "An Act for the Relief of Hiram Spafford," and a Bill intituled "An Act further to continue an Act passed in the thirty-third year of His late Majesty's reign entitled 'An Act to provide for the appointment of Returning Officers in the several Counties within this Province.'"

The deputation having withdrawn, the said Bills were read a first time, and on motion made and seconded, on each Bill respectively. Ordered to be read a second time to-morrow.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into consideration the report of the Joint Committee upon the population of the Province. House in Committee, Mr. Wells in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the said report, and recommended it to the adoption of the House. Ordered that the report be accepted.

On motion made and seconded, the House adjourned until 1 o'clock p.m. to-morrow.

Thursday, 4th December, 1823.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell (Speaker), John McGill, William Dickson, Thomas Clark, Reverend John Strachan, Angus Mackintosh, Joseph Wells, Duncan Cameron, George H. Markland, John Henry Dunn.

Prayers were read.

Pursuant to the order of the day, the Bill intituled "An Act for the relief of John Putman Clement," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee, Mr. Markland in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill, and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that the Bill be read a third time to-morrow.

On motion made and seconded, ordered that so much of the order of the day as relates to the second reading of the Bill intituled "An Act for the Relief of Hiram Spafford," be postponed until to-morrow.

Pursuant to the order of the day, the Bill intituled "An Act further to continue an Act passed in the thirty-third year of His late Majesty's reign, entitled 'An Act to provide for the appointment of Returning Officers of the several Counties within this Province,'" was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee, Mr. Dunn in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded, that the said Bill be read a third time to-morrow.

A message in the following words, being signed by the Speaker, was by the Master in Chancery carried down and delivered to the Commons House of Assembly:—

Mr. Speaker,—The Honorable the Legislative Council have adopted the report of their Committee of Conference on the Message from His Excellency the Lieutenant Governor recommending to the Legislature to make some more effectual provision for obtaining an accurate census of the population of this Province.

(Signed) WILLIAM DUMMER POWELL, Speaker.

Legislative Council Chamber, 4th December, 1823.

On motion made and seconded, the House adjourned until to-morrow at 1 o'clock p.m.

Friday, 5th December, 1823.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell (Speaker), James Baby, John McGill, William Dickson, Thomas Clark, Reverend John Strachan, Angus Mackintosh, Duncan Cameron, George H. Markland, John Henry Dunn.

Prayers were read.

Pursuant to the order of the day, the Bill entitled "An Act for the relief of John Putman Clement; and the Bill entitled "An Act further to continue an Act passed in the thirty-third year of His late Majesty's reign entitled 'An Act to provide for the appointment of Returning Officers of the several Counties within this Province,'" were read a third time, and the question being put upon each respectively, if it do now pass, was carried in the affirmative, whereupon the Speaker signed the said Bills and they were by the Master in Chancery carried down and returned to the Commons House of Assembly.

Pursuant to the order of the day, the Bill entitled "An Act for the relief of Hiram Spafford" was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee, Mr. McGill in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and requested leave to sit again, Ordered that the report be accepted and leave given accordingly.

Pursuant to the order of the day, the Bill entitled "An Act to divide the County of Carleton, in the Bathurst District," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee, Mr. Baby in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress in the Bill, and requested leave to sit again on Monday next. Ordered that the report be accepted and leave given accordingly.

A message from His Excellency the Lieutenant Governor being announced, Major Hillier was admitted, who delivered to the Speaker the following messages and papers. Major Hillier having retired, the said messages were read:—

P. MAITLAND.

The Lieutenant Governor transmits to the Honorable the Legislative Council a copy of a communication from the late Commissioner in England, who had been entrusted with the charge of purchasing the most approved machinery for the dressing of hemp, as authorized by the Provincial Act. The four sets of machinery have arrived, and the Lieutenant Governor, with the advice of the Executive Council, has directed that one shall be sent to the Sheriff of each of the following Districts: Midland, London, Gore and Bathurst, to be there employed for the use of the inhabitants, under the direction of the magistrates. The work alluded to in the Commissioner's letter has been placed in the Library of the Legislature.

5th December, 1823.

P. MAITLAND.

The Lieutenant Governor transmits to the Honorable Legislative Council a copy of the report of the arbitrators appointed under the Canada Trade Act for deciding the amount of arrears due to Upper Canada from the Lower Province, except such as relate to duties levied under acts of the Imperial Parliament, which in conformity to the provisions of the law, are reported to the Lords Commissioners of His Majesty's Treasury, together with the proceedings of the arbitrators relative to the application of the proceeds of the tolls levied at Chateauguay. The Lieutenant Governor has no doubt that the Legislative Council will recognize in these documents the zeal and ability with which the negotiation has been conducted on the part of this Province, and that the House will perceive the propriety of enabling him to afford an adequate remuneration to the officers employed on that important duty, by concurring to place at his disposal for that purpose a sum of not less than five hundred pounds.

5th December, 1823.

The Committee appointed to examine into and report upon the Bill, entitled "An Act to reduce into one Act the several Statutes of this Province respecting the election of Members of the House of Assembly and the Qualification of Voters and Candidates at such Elections, and also to provide against fraud in obtaining qualifications to vote at Elections," reported that they had examined the said Bill and found that the repealing clause was correct. Ordered that the report be accepted, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the said report into consideration. House in Committee, Mr. Cameron in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill and made some amendments thereto, which they recom-

mended to the adoption of the House. Ordered that the report be accepted, and the amendments engrossed, and the said Bill read a third time on Monday next.

On motion made and seconded, the House adjourned until Monday at one o'clock p.m.

Monday, 8th December, 1823.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell (Speaker), John McGill, William Dickson, Thomas Clark, George Crookshank, Reverend John Strachan, Angus Mackintosh, Joseph Wells, Duncan Cameron, George H. Markland, John Henry Dunn.

Prayers were read.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into further consideration the Bill, entitled "An Act to divide the County of Carleton, in the Bathurst District." House in Committee. Mr. Dickson in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some further progress in the Bill, and requested leave to sit again. Ordered that the report be accepted and leave given accordingly.

A message in the following words, being signed by the Speaker, was by the Master in Chancery carried down to the Commons House of Assembly:—

Mr. Speaker,—The Honorable the Legislative Council request a conference with the Commons House of Assembly on the subject matter of the Bill entitled "An Act to reduce into one Act the several Statutes of this Province respecting the Election of Members of the House of Assembly and the Qualification of Voters and Candidates at such Elections, and also to provide against fraud in obtaining qualifications to vote at elections." The Legislative Council have for that purpose appointed a Committee of two members who will be ready to meet the Committee of the House of Assembly in the Joint Committee Room at twelve o'clock noon to-morrow.

(Signed) WILLIAM DUMMER POWELL, Speaker.

Legislative Council Chamber, 8th December, 1823.

The Honorable Messieurs Clark and Mackintosh were appointed a Committee for that purpose.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up and delivered a message, which was read as follows after the deputation had withdrawn:—

Mr. Speaker,—The Commons House of Assembly has agreed to a conference with the Honorable the Legislative Council on the subject matter of the Bill entitled "An Act to reduce into one Act the several Statutes of this Province respecting the Election of Members of the House of Assembly and the Qualification of Voters and Candidates at such Elections, and also to provide against fraud in obtaining qualifications to vote at Elections," and has appointed a Committee of four of its members to meet the Committee of the Honorable the Legislative Council at the time and place appointed.

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 8th December, 1823.

On motion made and seconded, the House adjourned until to-morrow at one o'clock p.m.

Tuesday, 9th December, 1823.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell (Speaker), James Baby, John McGill, William Dickson, Thomas Clark, Reverend John Strachan, Angus Mackintosh, Joseph Wells, Duncan Cameron, George H. Markland, John Henry Dunn.

Prayers were read.

The Committee appointed to confer with the Committee of the Commons House of Assembly on the subject matter of the Bill entitled "An Act to reduce into one Act the several Statutes of this Province respecting the Election of Members of the House of Assembly, and the Qualification of Voters and Candidates at such elections, and also to provide against fraud in obtaining qualifications to vote at elections," respectfully reported that they had met the Committee of the House of Assembly, when the following amendments were proposed, viz., in the title of the said Bill, after the words, "an Act to" expunge "reduce into one Act," and insert the word "repeal," and after the word "Elections" insert "and to reduce the provisions thereof with some amendments into one Act." Also first press of said Bill after the word "to" in first line expunge the words "reduce into one act" and insert the word "repeal," and in same press, in fourth line, after the word "Elections" insert "and to reduce the several provisions thereof with some amendments into one Act." Which amendments were agreed to by both Committees to be reported to their respective Houses.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take the said report into consideration. House in Committee, Mr. Clark in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said Report into consideration, had made some progress therein, and requested leave to sit again. Ordered that the report be accepted and leave given.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into consideration the messages received from His Excellency the Lieutenant Governor on the 5th instant. House in Committee. Doctor Strachan in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said messages into consideration and recommended that a Committee be appointed to prepare answers thereto. Ordered that the report be accepted, and the Honorable Messieurs Cameron and Dunn were appointed accordingly.

On motion made and seconded, the House adjourned during pleasure. The House formed.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill, entitled "An Act to repeal part of and extend the provisions of an Act passed in the thirty-eighth year of His late Majesty's reign, intituled 'An Act to ascertain and establish on a permanent footing the Boundary Lines of the Different Townships of this Province.'" The deputation having withdrawn, the said Bill was read a first time.

The Committee appointed to prepare Addresses in answer to the Messages of His Excellency the Lieutenant Governor, received on the 5th instant, reported that they had done so. The Addresses being read, on motion made and seconded, the House resolved itself into a Committee of the Whole to take them into consideration. House in Committee, Mr. Mackintosh in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Addresses, and recommended them to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that they be engrossed and read a third time to-morrow.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill entitled "An Act to authorize Ministers of the Society of Methodists to Solemnize Marriage in this Province." The deputation having withdrawn, the said Bill was read a first time, and on motion made and seconded, ordered to be read a second time on Monday next.

On motion made and seconded, the House adjourned until to-morrow at 3 o'clock p.m.

Wednesday, 10th December, 1823.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell (Speaker), James Baby, John McGill, William Dickson, Thomas Clark, George Crookshank, Reverend John Strachan, Angus Mackintosh, George H. Markland, John Henry Dunn.

Prayers were read.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up and delivered a message in the following words:—

Mr. Speaker,—The Commons House of Assembly requests a free Conference with the Honorable the Legislative Council on the subject matter of the Bill entitled "An Act to reduce into one Act the several Statutes of this Province, respecting the Election of Members of the House of Assembly and the Qualification of Voters and Candidates at such Elections, and also to provide against fraud in obtaining qualifications to vote at elections.

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, December 10th, 1823.

The deputation having withdrawn, the said message was read. And, on motion made and seconded, the Honorable Messieurs Clark and Mackintosh being appointed a Committee for that purpose, a message in the following words was by the Master in Chancery carried down and delivered to the Commons House of Assembly:—

Mr. Speaker,—The Honorable the Legislative Council have agreed to a conference with the Commons House of Assembly on the subject matter of the Bill entitled "An Act to reduce into one Act the several Statutes of this Province respecting the Election of Members of the House of Assembly and the qualification of Voters and Candidates at such Elections, and also to provide against fraud in obtaining qualifications to vote at Elections," and have appointed a Committee of two members, who will be ready to meet the Committee of the Commons House of Assembly in the Joint Committee Room at three o'clock p.m. to-morrow.

(Signed) WILLIAM DUMMER POWELL, Speaker.

Legislative Council Chamber, 10th December, 1823.

Pursuant to the order of the day, the Addresses in answer to His Excellency the Lieutenant Governor's messages, received on the 5th instant, being engrossed, were read a third time, and the question being put on each respectively, if it do now pass, was carried in the affirmative, whereupon the Speaker signed the same, as follows:—

To His Excellency Sir Peregrine Maitland, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding His Majesty's Forces therein, etc., etc., etc.

May it Please Your Excellency,—The Legislative Council return their respectful thanks for your Excellency's message, transmitting to them a copy of a communication from the late Commissioner in England who had been intrusted with the charge of purchasing the most approved machinery for the dressing of Hemp, as authorized by the Provincial Act, and for informing them of the disposition Your Excellency, with the advice of the Executive Council, has thought fit to make of the different sets of machinery which have arrived.

(Signed) WILLIAM DUMMER POWELL, Speaker.

Legislative Council Chamber, 10th December, 1823.

To His Excellency Sir Peregrine Maitland, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada and Major General Commanding His Majesty's Forces therein, etc., etc., etc.

May it Please Your Excellency.—The Legislative Council return their respectful thanks for Your Excellency's message transmitting a copy of the report of the Arbitrators appointed under the Canada Trade Act for deciding the amount of arrears of revenue due to Upper Canada from the Lower Province, except such as relate to duties levied under Act of the Imperial Parliament, which, in conformity to the provisions of the law, are reported to the Lords Commissioners of His Majesty's Treasury, together with the proceedings of the Arbitrators relative to the application of the proceeds of the tolls levied at Chateauguay.

The Legislative Council with great satisfaction recognize in these documents the zeal and ability with which the negotiation has been conducted on the part of this Province, and will readily concur in enabling Your Excellency to afford an adequate remuneration to the officers employed on that important duty, by placing at the disposal of Your Excellency a sum not less than five hundred pounds.

(Signed) WILLIAM DUMMER POWELL, Speaker.

Legislative Council Chamber, 10th December, 1823.

On motion made and seconded, the Honorable Messieurs Cameron and Dunn were appointed a Committee to enquire when His Excellency would be pleased to receive the Addresses, and to present the same.

On motion made and seconded, the House adjourned until to-morrow at 1 o'clock p.m.

Thursday, 11th December, 1823.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell (Speaker), John McGill, William Dickson, Thomas Clark, George Crookshank, Angus Mackintosh, Joseph Wells, Duncan Cameron, George H. Markland, John Henry Dunn.

Prayers were read.

The Committee appointed to wait upon His Excellency the Lieutenant Governor to know when he would be pleased to receive the addresses of this House, in answer to His Excellency's messages of the 5th instant, reported that they had done so, and His Excellency being then ready to receive them they were presented accordingly.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill entitled "An Act to repeal part of, continue and amend the Laws now in force imposing a duty on licenses to Innkeepers within this Province," and a Bill entitled "An Act further to regulate by Law the Commercial Intercourse of the Province of Upper Canada with the United States of America." The deputation having withdrawn, the said Bills were read a first time, and on motion made and seconded upon each Bill respectively, ordered to be read a second time to-morrow.

On motion made and seconded, the House adjourned until to-morrow at 1 o'clock p.m.

Friday, 12th December, 1823.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell (Speaker), James Baby, John McGill, William Dickson, Thomas Clark, George Crookshank, Reverend John Strachan, Angus Mackintosh, Joseph Wells, Duncan Cameron, George H. Markland, John Henry Dunn.

Prayers were read.

The Committee appointed to meet the Committee of the Commons House of Assembly in free conference upon the subject matter of the Bill entitled "An Act to reduce into one Act the several Statutes of this Province respecting the Election of Members of the House of Assembly and the Qualification of Voters and Candidates at such Elections, and also to provide against fraud in obtaining qualifications to vote at Elections," respectfully reported:

That the Committee of the House of Assembly concurred in the amendments proposed by the Honorable the Legislative Council to said Bill, and agreed to recommend them to the adoption of their House. Ordered that the report be accepted.

The Honorable Mr. Mackintosh presented a petition from the inhabitants of the Western District, which was ordered to be laid upon the table.

Pursuant to the order of the day, the Bill entitled "An Act to repeal part of, continue and amend the Laws now in force imposing a Duty on Licenses to Innkeepers within this Province," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee, Mr. Cameron in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that the Bill be read a third time to-morrow.

Pursuant to the order of the day, the Bill entitled "An Act further to regulate by Law the Commercial intercourse of the Province of Upper Canada with the United States of America," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Markland in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress in the Bill, and requested leave to sit again. Ordered that the report be accepted and leave given accordingly.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up and delivered a message, which after the deputation had withdrawn was read as follows:—

Mr. Speaker,—The Commons House of Assembly have concurred in the amendments made by the Honorable the Legislative Council in and to the Bill entitled “An Act to alter and amend an Act passed in the fourth year of His Majesty’s reign, entitled ‘An Act to provide for the erection of a Gaol and Court House in and for the Home District.’”

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 12th December, 1823.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill entitled “An Act to Incorporate certain persons therein mentioned under the Style and Title of the Welland Canal Company.” The deputation having withdrawn, the said Bill was read a first time, and on motion made and seconded the Honorable Messieurs Clark, Strachan and Markland were appointed a Committee to take the same into consideration.

A message from His Excellency the Lieutenant Governor being announced, Major Hillier was admitted, who delivered to the Speaker certain messages and inclosures. Major Hillier having withdrawn, the said messages were read as follows:—

P. MAITLAND.

The Lieutenant Governor transmits to the Honorable Legislative Council copies of such assessments and population returns of the respective Districts as have been received since the last Session of the Provincial Legislature.

12th December, 1823.

P. MAITLAND.

The Lieutenant Governor transmits for the consideration of the Honorable the Legislative Council a copy of a Petition from the Inhabitants of the Townships of West Gwillimbury and Tecumseth, for aid in the erection of a bridge.

12th December, 1823.

On motion made and seconded, ordered that the said messages be taken into consideration on Monday next.

On motion made and seconded, the House adjourned until Monday at 1 o’clock p.m.

Monday, 15th December, 1823.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell (Speaker), James Baby, John McGill, William Dickson, Thomas Clark, George Crookshank, Reverend John Strachan, Angus Mackintosh, Joseph Wells, Duncan Cameron, George H. Markland, John Henry Dunn. Prayers were read.

Pursuant to the order of the day, the Bill entitled "An Act to repeal part of, continue and amend the Laws now in force imposing a duty on Licences to Inn-keepers within this Province," was read a third time, and the question being put, if the said Bill do now pass, was carried in the affirmative, whereupon the Speaker signed the same and it was by the Master in Chancery carried down and returned to the Commons House of Assembly.

Pursuant to the order of the day, the Bill entitled "An Act to authorize Ministers of the Society of Methodists to Solemnize Marriage in this Province" was read a second time, and, on motion made and seconded, the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Crookshank in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress in the Bill, and requested leave to sit again on Friday next. Ordered that the report be accepted and leave given accordingly.

On motion made and seconded, the Petition of the Justices of the Peace of the Midland District was read.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into consideration the messages of His Excellency the Lieutenant Governor, received on the 12th instant. House in Committee, Mr. Wells in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said messages into consideration and recommended that a Select Committee be appointed to prepare addresses in answer thereto. Ordered that the report be accepted, and on motion made and seconded the Honorable Messieurs Wells and Markland were appointed accordingly.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill entitled "An Act to repeal part of and amend an Act passed in the fiftieth year of His late Majesty's reign, entitled, 'An Act to provide for the laying out, amending and keeping in repair the public highways and roads in this Province, and to repeal the laws now in force for that purpose, and also to repeal part of and amend the provisions of an Act passed in the fifty-ninth year of His late Majesty's reign, entitled, 'An Act to repeal part of and amend the Laws now in force for laying out, amending and keeping in repair the public highways and roads in this Province.''" The deputation having withdrawn, the said Bill was read a first time, and, on motion made and seconded, ordered to be read a second time to-morrow.

The said deputation also brought up a Bill entitled "An Act to confirm certain marriages in this Province, which was read a first time, and on motion made and seconded, ordered that the said Bill be read a second time on Friday next.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up the Bill entitled "An Act to repeal an Act of Parliament made in England in the twenty-first year of the reign of His late Majesty King James the First, entitled 'An Act to prevent the destroying and murdering of Bastard Children,' and to make other provision in lieu thereof" to which the House had made some amendments. The deputation having withdrawn the said amendments were read a first time, and on motion made and seconded ordered to be read a second time to-morrow. On motion made and seconded, the Honorable Messieurs Clark, Strachan, and Markland were appointed a Committee to examine and report upon the Bill entitled "An Act to incorporate certain persons therein mentioned under the Style and Title of the Welland Canal Company."

The Honorable Mr. Markland gave notice that on Wednesday next he would move that all notices which have been regularly inserted in the *Upper Canada Gazette* since the first day of September shall be considered good and sufficient Notices in conformity with the forty-seventh rule of the House. On motion made and seconded the House adjourned during pleasure. The House formed.

The Committee appointed to prepare addresses in answer to His Excellency the Lieutenant Governor's messages of the 12th instant, reported that they had done so. Ordered that the report be accepted, and on motion made and seconded that the said addresses be engrossed and read a third time to-morrow.

On motion made and seconded, the House adjourned until to-morrow at 1 o'clock p.m.

Tuesday, 16th December, 1823.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell (Speaker), James Baby, John McGill, William Dickson, Thomas Clark, George Crookshank, Reverend John Strachan, Angus Mackintosh, Joseph Wells, Duncan Cameron, George H. Markland, John Henry Dunn.

Prayers were read.

Pursuant to the order of the day, the Addresses in answer to His Excellency the Lieutenant Governor's messages of the 12th instant being engrossed were read a third time, and the question being put upon each respectively if it do now pass, was carried in the affirmative, whereupon the Speaker signed the same as follows:—

To His Excellency Sir Peregrine Maitland, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding His Majesty's Forces therein, etc., etc., etc.

May it Please Your Excellency,—The Legislative Council return their respectful thanks to Your Excellency for having transmitted to them copies of such assessment and poulation returns of the respective districts as have been received since the last Session of the Provincial Legislature.

(Signed) WILLIAM DUMMER POWELL, Speaker.

Legislative Council Chamber, 16th December, 1823.

To His Excellency Sir Peregrine Maitland, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding His Majesty's Forces therein, etc., etc., etc.

May it Please Your Excellency,—The Legislative Council return their respectful thanks to Your Excellency for having transmitted to them a Copy of a petition from the Inhabitants of the Townships of West Gwillimsbury and Tecumseth, for aid in the erection of a bridge.

(Signed) WILLIAM DUMMER POWELL, Speaker.

Legislative Council Chamber, 16th December, 1823.

On motion made and seconded, the Honorable Messieurs Wells and Markland were appointed a Committee to wait upon His Excellency to know when he would be pleased to receive the addresses, and to present the same.

Pursuant to the order of the day, the Bill entitled "An Act to repeal part of and amend an Act passed in the fiftieth year of His late Majesty's reign, entitled, 'An Act to provide for the laying out, amending and keeping in repair the public highways and roads in this Province, and to repeal the laws now in force for that purpose,' and also to repeal part of and amend the provisions of an Act passed in the fifty-ninth year of His late Majesty's reign, entitled 'An Act to repeal part of and amend the laws now in force for laying out, amending and keeping in repair the public highways and roads in this Province,'" was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Dunn in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress in the Bill, and requested leave to sit again on Thursday next. Ordered that the report be accepted and leave given accordingly.

Pursuant to the order of the day, the amendments made by the Commons House of Assembly in and to the Bill, entitled "An Act to repeal an Act of Parliament made in England in the twenty-first year of the reign of His late Majesty King James the First, entitled 'An Act to prevent the destroying and murdering of Bastard Children,' and to make other provisions in lieu thereof," were read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Baby in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the said amendments, and recommended that a Conference be requested with the Commons House of Assembly on the subject matter thereof. Ordered that the report be accepted, and on motion made and seconded the Honorable Messieurs Strachan and Markland being appointed a Committee for that purpose, a message in the following words was signed by the Speaker and by the Master in Chancery carried down and delivered to the Commons House of Assembly:—

Mr. Speaker,—The Honorable the Legislative Council request a conference with the Commons House of Assembly on the subject matter of the amendments made by that House in and to the Bill entitled "An Act to repeal an Act of Parliament made in England in the twenty-first year of the reign of His late Majesty King James the First, entitled 'An Act to prevent the destroying and murdering of Bastard Children,' and to make other provisions in lieu thereof," and have appointed a Committee of two members who will be ready to meet the Committee of the Commons House of Assembly in the Joint Committee Room at 12 o'clock noon to-morrow.

(Signed) WILLIAM DUMMER POWELL, Speaker.

Legislative Council Chamber, 16th December, 1823.

The Select Committee to whom was referred the Report of the Commissioners of the late pretended Bank of Upper Canada, and also the Petition of the Stockholders of that Institution, reported that they had taken the said report and petition into consideration and had prepared a Bill founded thereon, which they presented to the House. Ordered that the report be accepted, and on motion made and seconded the said Bill was read a first time, and ordered to be read a second time on Thursday next.

On motion made and seconded the House adjourned until 2 o'clock p.m. to-morrow.

Wednesday, 17th December, 1823.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell (Speaker), James Baby, John McGill, William Dickson, Thomas Clark, George Crookshank, Reverend John Strachan, Angus Mackintosh, Joseph Wells, Duncan Cameron, George H. Markland, John Henry Dunn.

Prayers were read.

The Committee appointed to wait upon His Excellency the Lieutenant Governor to know when he would be pleased to receive the Addresses of this House in answer to His Excellency's messages of the 12th instant, reported that they had done so, and His Excellency being then ready to receive them they were presented accordingly.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill entitled "An Act to repeal an Act passed in the forty-first year of His late Majesty's reign, entitled 'An act for granting His Heirs and Successors to and for the Uses of this Province the like duties on Goods and Merchandise brought into this Province from the United States of America as are now paid on Goods and Merchandise imported from Great Britain and other places,' and also an Act passed in the forty-third year of His late Majesty's reign entitled 'An Act to explain and amend an Act passed in the forty-first year of His Majesty's reign, entitled "An Act for granting to His Majesty, His Heirs and Successors, to and for the uses of this Province, the like duties on Goods and Merchandise brought into this Province from the United States of America, as are now paid on Goods and Merchandise imported from Great Britain and other places," and to provide more effectually for the collection and payment of duties on Goods and Merchandise coming from the United States of America into this Province, and also to establish a fund for the erection and repairing of Light Houses and to make more effectual provision for the due collection of duties on goods imported into this Province." The deputation having withdrawn, the said Bill was read a first time, and on motion made and seconded ordered to be read a second time on Monday next.

On motion made and seconded, the House adjourned until to-morrow at 1 o'clock p.m.

Thursday, 18th December, 1823.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell (Speaker), James Baby, John McGill, William Dickson, Thomas Clark, George Crookshank, Reverend John Strachan, Angus Mackintosh, Joseph Wells, Duncan Cameron, George H. Markland, John Henry Dunn.

Prayers were read.

On motion made and seconded, ordered that so much of the order of the day as relates to the recommitment of the Bill entitled "An Act to repeal part of and amend an Act passed in the fiftieth year of His late Majesty's reign, entitled 'An Act to provide for the laying out, amending and keeping in repair the public Highways and Roads in this Province and to repeal the laws now in force for that purpose,' and also to repeal part of and amend the provisions of an Act passed in the fifty-ninth year of His late Majesty's reign entitled 'An Act to repeal part

of and amend the laws now in force for laying out, amending and keeping in repair the public Highways and Roads in this Province," be discharged, and be of the order of the day for Tuesday next.

On motion made and seconded, the House adjourned during pleasure. The House formed.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up and delivered at the bar of this House the following message and resolutions:—

Mr. Speaker,—The Commons House of Assembly communicates to the Honorable the Legislative Council several Resolutions on the subject of "The Claims of the Church of Scotland," passed this day, and to which it requests the concurrence of that Honorable Body.

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 17th December, 1823.

Resolved, That when the Kingdoms of England and Scotland were united the subjects of both were placed upon a footing of reciprocity and were to enjoy a full communication of every right, privilege, and advantage, and that neither the Church of the one nor the other thereby gained any ascendancy, on the contrary, that both were established by law as National Protestant Churches within their respective kingdoms, and consequently the clergy of both are equally entitled to a participation in all the advantages which have resulted, or may hereafter result, from the said union.

Resolved, That the Provinces of Canada were wrested from the Dominion of France by the united exertions of Great Britain and Ireland, and that the Churches of England and Scotland had at the conquest thereof an equal claim to enjoy the advantages which might be derived from the said conquest.

Resolved, That by the Act of the British Parliament passed in the thirty-first year of His late Majesty's reign, the Governor, Lieutenant Governor, or person administering the Government of this Province, was authorized to set apart a portion of one-seventh of the lands for the support and maintenance of a Protestant clergy.

Resolved, That if His late Majesty, when he graciously authorized an appropriation of land for the support and maintenance of a Protestant Clergy in this Province, did not contemplate a provision for the Clergy of the Church of Scotland, that they ought now to come under His Majesty's most favorable consideration, by being otherwise provided for.

Resolved, That an humble address be presented to His Majesty, founded on the foregoing resolutions, praying that His Majesty will be graciously pleased to direct such measures as will secure to the Clergy of the Church of Scotland, residing or who may hereafter reside in this Province, such support and maintenance as His Majesty shall think proper.

Truly extracted from the minutes.

(Signed) GRANT POWELL, Clk. Assy.

17th December, 1823.

The deputation having withdrawn, the said message and resolutions were read, and on motion made and seconded, ordered that the House do on Tuesday next resolve itself into a Committee of the Whole to take the same into consideration

Pursuant to the order of the day, the Kingston Bank Bill was read a second time.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill entitled "An Act to repeal the fifteenth clause of an Act passed in the thirty-eighth year of His late Majesty's reign entitled 'An Act for the better division of this Province,' and to declare the Counties of Lennox and Addington separate and independent counties," The deputation having withdrawn, the said Bill was read a first time.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill entitled "An Act to enable the Presbyterian Congregation of York to purchase one or more parcels of ground sufficient for the erection of a Church and Burying Ground." The deputation having withdrawn the said Bill was read a first time, and on motion made and seconded, ordered to be read a second time on Tuesday next.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill entitled "An Act for the relief of William Peterson," and a Bill entitled "An Act to repeal part of the sixth clause of an Act passed in the second year of His Majesty's reign, chapter third, and also part of the twenty-third clause of an Act passed in the thirty-eighth year of His late Majesty's reign, entitled 'An Act for the better division of the Province,' and to provide for the better division of the District of Newcastle." The deputation having withdrawn, the said Bills were read a first time.

The Honorable and Rev. Doctor Strachan gave notice that he would to-morrow move that an Address be presented to His Excellency the Lieutenant Governor requesting him to furnish this House with a map of the Province.

Agreeably to notice given, the Honorable Mr. Markland moved that all notices which have been regularly inserted in the *Upper Canada Gazette* since the first day of September shall be considered good and sufficient notices in conformity with the forty-seventh rule of the House.

On motion made and seconded the Honorable Messieurs Clark and Markland were appointed a Committee to inquire into and report upon notices of application to Legislature on local matters.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into consideration the Kingston Bank Bill. House in Committee. Mr. McGill in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress in the Bill and requested leave to sit again to-morrow. Ordered that the report be accepted and leave given accordingly.

A deputation from the Commons House of Assembly being announced, it was admitted and brought up and delivered a message in the following words:—

Mr. Speaker,—The Commons House of Assembly have agreed to a conference with the Honorable Legislative Council on the subject matter of the Bill entitled "An Act to repeal an Act of Parliament made in England in the twenty-first year of His late Majesty King James the First, entitled 'An Act to prevent the destroying and murdering of Bastard Children,' and to make other provisions in lieu thereof," and have for that purpose appointed four of its members to meet the Committee of the Honorable the Legislative Council in the Joint Committee Room at the time and place appointed.

(Signed) LEVIUS P. SHERWOOD, Speaker.

The deputation having withdrawn, the said message was read.

On motion made and seconded, the House adjourned until to-morrow at 1 o'clock p.m.

Friday, 19th December, 1823.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell (Speaker), James Baby, John McGill, William Dickson, Thomas Clark, George Crookshank, Reverend John Strachan, Angus Mackintosh, Joseph Wells, George H. Markland, John Henry Dunn.

Prayers were read.

The Committee appointed to meet the Committee of the Commons House of Assembly in the Joint Committee Room on the 17th instant, reported the following: "The Committee of Conference on the part of the Honorable Legislative Council having requested from the Committee of the House of Assembly the reasons of their House for amending the Bill sent to that House by the Legislative Council, entitled 'An Act to repeal an Act of Parliament made in England in the twenty-first year of the reign of His late Majesty King James the First, entitled 'An Act to prevent the destroying and murdering of Bastard Children,' and to make other provisions in lieu thereof.'" "The Committee assigned the following, That it appeared to the House an incorrect mode of Legislation to propose the repeal of a British Act of Parliament by the Provincial Legislature, having only power to repeal the operation of such Acts in this Province, and that they are desirous that all the Acts to be passed by this Legislature for the repeal of British Acts should in their provisions conform to the mode adopted in passing the Act passed in the second year of His present Majesty's reign, chapter twelfth, and also that the punishment proposed in the Bill should be the same as in cases of misdemeanor, that when a different mode of punishment may be devised for misdemeanor the Court shall not be required to order imprisonment only."

Pursuant to the order of the day the Bill entitled "An Act to confirm certain marriages in this Province" was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Dickson in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said Bill into consideration and had made some progress therein. Ordered that the Report be accepted.

On motion made and seconded, ordered that so much of the order of the day as relates to the recommitment of the Bill entitled "An Act to authorize Ministers of the Society of Methodists to Solemnize Marriage in this Province," be discharged.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into further consideration the Kingston Bank Bill. House in Committee. Mr. McGill in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said Bill into further consideration and had made some amendments thereto which they recommended to the adoption of the House. Ordered that the report be accepted and on motion made and seconded that the amendments be engrossed and the Bill read a third time on Monday next.

On motion made and seconded the House adjourned during pleasure. The House formed.

The Committee appointed to take into consideration the Bill entitled "An Act to incorporate certain persons therein mentioned under the Style and Title of the Welland Canal Company," reported that they had done so, and recommended it to the adoption of the House, with an amendment further securing indemnification to such persons as may suffer loss from the construction of the said canal, by lessening the value of their private property. The said Bill being read a second time on motion made and seconded, the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Clark in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said Bill into consideration and recommended it with the amendment proposed by the Select Committee to the adoption of the House. Ordered that the report be accepted and the Bill as amended read a third time on Monday next.

On motion made and seconded the House adjourned until Monday next at 12 o'clock noon.

Monday, 22nd December, 1823.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell (Speaker), James Baby, John McGill, William Dickson, Thomas Clark, George Crookshank, Reverend John Strachan, Angus Mackintosh, Joseph Wells, Duncan Cameron, George H. Markland, John Henry Dunn.

Prayers were read.

Pursuant to the order of the day, the Bill entitled "An Act to repeal an Act passed in the forty-first year of His late Majesty's reign, entitled "An Act for granting to His Majesty, his heirs and successors, to and for the uses of this Province, the like duties on goods and merchandise brought into this Province from the United States of America, as are now paid on goods and merchandise imported from Great Britain and other places," and also an Act passed in the forty-third year of His late Majesty's reign, entitled "An Act to explain and amend an Act passed in the forty-first year of His Majesty's reign entitled "An Act for granting to His Majesty, His Heirs and Successors, to and for the uses of this Province, the like duties on Goods and Merchandise brought into this Province from the United States of America as are now paid on goods and merchandise imported from Great Britain and other places," and to provide more effectually for the collection and payment of duties on goods and merchandise coming from the United States of America into this Province, and also to establish a fund for the erection and repairing of Light Houses, and to make more effectual provision for the due collection of duties on goods imported into this Province," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Crookshank in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress in the Bill and requested leave to sit again. Ordered that the report be accepted and leave given accordingly.

On motion made and seconded, ordered that so much of the order of the day as relates to the third reading of the Bill entitled "An Act to incorporate certain persons therein mentioned under the style and title of the Welland Canal Company," as amended, be discharged, and that the Bill be now recommitted. House in Committee. Mr. Clark in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some further amendments to the Bill, which they recommended to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that the said amendments be engrossed, and the Bill as amended read a third time to-morrow.

On motion made and seconded, ordered that so much of the order of the day as relates to the third reading of the Kingston Bank Bill be discharged, and be of the order of the day for Wednesday next.

On motion made and seconded, the House adjourned during pleasure. The House formed.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into consideration the report of the Committee of Conference on the amendments made by the Commons House of Assembly in and to the Bill entitled "An Act to repeal an Act of Parliament made in England in the twenty-first year of the reign of His late Majesty King James the First, entitled 'An Act to prevent the destroying and murdering of Bastard Children,' and to make other provisions in lieu thereof." House in Committee. Doctor Strachan in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said report into consideration and had made some progress therein. Ordered that the report be accepted.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up and delivered a message in the following words:—

Mr. Speaker,—The Commons House of Assembly has concurred in the report of the Committee of Conference on the subject of the amendment to the Bill entitled "An Act to reduce into one Act the several Statutes of this Province respecting the election of members of the House of Assembly, and the qualification of voters and candidates at such elections," and also to provide against fraud in obtaining qualifications to vote at elections."

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 22nd December, 1823.

The deputation having withdrawn, the said message was read, and on motion made and seconded ordered that the amendments to the said Bill be engrossed and the Bill as amended read a third time to-morrow.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into further consideration the Bill entitled "An Act further to regulate by Law the Commercial Intercourse of the Province of Upper Canada with the United States of America." House in Committee. Mr. Markland in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress in the Bill and requested leave to sit again. Ordered that the report be accepted and leave given accordingly.

On motion made and seconded, the House adjourned until to-morrow at 12 o'clock noon.

Tuesday, 23rd December, 1823.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell (Speaker), James Baby, John McGill, William Dickson, Thomas Clark, George Crookshank, Reverend John Strachan, Angus Mackintosh, Joseph Wells, Duncan Cameron, George H. Markland, John Henry Dunn.

Prayers were read.

Pursuant to the order of the day, the Bill entitled "An Act to incorporate certain persons therein mentioned under the Style and Title of the Welland Canal Company," and the Bill entitled "An Act to reduce into one Act the several Statutes of this Province respecting the Election of Members of the House of Assembly and the qualification of Voters and Candidates at such Elections, and also to provide against fraud in obtaining qualifications to vote at elections," were read a third time as amended, and the question being put upon each Bill respectively if it do now pass, was carried in the affirmative, whereupon the Speaker signed the amendments to the said Bills, and the Master in Chancery carried down and returned the said Bills to the Commons House of Assembly.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into consideration the Resolutions on the subject of the Claims of the Church of Scotland received from the Commons House of Assembly on Thursday last. House in Committee. Mr. Mackintosh in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said resolutions into consideration and could not recommend them for the concurrence of the House, and the question being put if the report be accepted, it was carried in the affirmative. On motion made and seconded, the contents and non-contents were taken as follows:—

Contents: The Hons. James Baby, Reverend John Strachan, Angus Mackintosh, Joseph Wells, Duncan Cameron, George H. Markland.

Non-contents: The Hons. John McGill, William Dickson, Thomas Clark, George Crookshank, John Henry Dunn.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill entitled "An Act to authorize the Justices of the Peace for the Midland District to loan a further sum of money for the purposes therein mentioned." The deputation having withdrawn, the said Bill was read a first time, and on motion made and seconded ordered to be read a second time on Monday next.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill entitled "An Act to enable the Justices of the Peace of the District of Johnstown to erect a new Jail and Court House or repair the old one, and to erect new Bridges over Yonge and Irish Creek." The deputation having withdrawn, the said Bill was read a first time, and on motion made and seconded ordered to be read a second time on Monday next.

Pursuant to the order of the day, the Bill entitled "An Act to enable the Presbyterian Congregation of York to purchase one or more parcels of ground sufficient for the erection of a Church and Burying Ground," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Wells in the chair.

The Speaker resumed the chair. The Chairman reported that the Committee had made some progress in the Bill, and requested leave to sit again. Ordered that the report be accepted and leave given accordingly.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into further consideration the Bill entitled "An Act to repeal part of and amend an Act passed in the fiftieth year of His late Majesty's reign, entitled 'An Act to provide for the laying out, amending and keeping in repair the public Highways and Roads in this Province, and to repeal the laws now in force for that purpose,' and also to repeal part of and amend the provisions of an Act passed in the fifty-ninth year of His late Majesty's reign, entitled 'An Act to repeal part of and amend the laws now in force for laying out, amending, and keeping in repair the Public Highways and Roads in this Province.'" House in Committee. Mr. Markland in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some further progress in the Bill and requested leave to sit again on Monday next. Ordered that the report be accepted and leave given accordingly.

The Committee appointed to examine into and report upon the notices in the *Upper Canada Gazette* in regard of applications being made to the Legislature to procure Acts to be passed for purposes of a local nature. Most respectfully reported, That they had made the examination and found:

That the first notice for the incorporation of a company to make a Canal from the River Welland to Lake Ontario was inserted on the 17th July last.

That the first notice for the Division of the London District into two Districts was inserted on 31st July last.

That the first notice for the Division of the Counties of Lennox and Addington was inserted on the 8th May last.

That the first notice for the Formation of the Townships of Monaghan, Smith and other Townships into a separate County was inserted on the 4th September last.

That the first notice for the Formation of the Townships in the upper end of the Midland District and the Townships in the lower part of the Newcastle District, to be formed into a separate District, was inserted on the 4th September last.

That the first notice to remove the Gaol and Court House from Hamilton, in the Newcastle District, to Cobourg was inserted on the 4th September last.

That the first notice of a change in the Police Laws in the Town of Kingston was inserted on the 7th of August last.

That the first notice to divide the County of Halton, in the Gore District, into two Counties was inserted on the 31st July last.

That the first notice for the division of the District of Bathurst into two counties was inserted on the 18th of September last.

That the first notice for setting off the County of Prince Edward into a separate District was inserted on the 9th October last,

And that all those notices had been regularly continued since their first insertion.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into consideration the Honorable Mr. Markland's motion of the 18th instant. House in Committee. Mr. Cameron in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said motion into consideration, and recommended that the words "first day of September" in the original be expunged and "the Ninth day of

October" inserted. Ordered that the report be accepted, and the said motion as amended was put and carried.

On motion made and seconded, the House adjourned until to-morrow at 2 o'clock p.m.

Wednesday, 24th December, 1823.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell (Speaker), James Baby, John McGill, William Dickson, Thomas Clark, George Crookshank, Reverend John Strachan, Angus Mackintosh, Joseph Wells, Duncan Cameron, George H. Markland, John Henry Dunn.

Prayers were read.

On motion made and seconded, ordered that so much of the order of the day as relates to the third reading of the Kingston Bank Bill be discharged.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into further consideration the Bill entitled "An Act further to regulate by law the Commercial Intercourse of the Province of Upper Canada with the United States of America." House in Committee. Mr. Dunn in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the said Bill, and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that the Bill be read a third time on Monday next.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into further consideration the Bill entitled "An Act to divide the County of Carleton, in the Bathurst District." House in Committee. Mr. Markland in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some further progress in the said Bill, and requested leave to sit again on Tuesday next. Ordered that the report be accepted and leave given accordingly.

The Bill entitled "An Act to repeal the fifteenth clause of an Act passed in the thirty-eighth year of His late Majesty's reign, entitled 'An Act for the better division of this Province,' and to declare the Counties of Lennox and Addington separate and independent Counties," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Dunn in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress in the said Bill and requested leave to sit again this day three months. Ordered that the report be accepted.

A deputation from the Commons House of Assembly being announced, it was admitted and brought up the following messages:—

Mr. Speaker,—The Commons House of Assembly has concurred in the amendments made by the Honorable the Legislative Council in and to the Bill entitled "An Act to reduce into one Act the several Statutes of this Province respecting the election of members of the House of Assembly and the qualifications of Voters and Candidates at such Elections, and also to provide against fraud in obtaining qualifications to vote at Elections."

(Signed) LEVIUS P. SHERWOOD. Speaker.

Commons House of Assembly, 24th December, 1823.

Mr. Speaker,—The Commons House of Assembly has concurred in the Amendments made by the Honorable the Legislative Council in and to the Bill entitled “An Act to incorporate certain persons therein mentioned under the Style and Title of the Welland Canal Company.”

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 24th December, 1823.

The deputation having withdrawn, the said messages were read.

On motion made and seconded, the House adjourned until Monday next at 12 o'clock noon.

Monday, 29th December, 1823.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell (Speaker), James Baby, John McGill, George Crookshank, Reverend John Strachan, Angus Mackintosh, Joseph Wells, Duncan Cameron, George H. Markland.

Prayers were read.

Pursuant to the order of the day the Bill entitled “An Act further to regulate by law the Commercial Intercourse of the Province of Upper Canada with the United States of America,” was read a third time, and the question being put if the said Bill do now pass, it was carried in the affirmative, whereupon the Speaker signed the same and it was by the Master in Chancery carried down and returned to the Commons House of Assembly.

Pursuant to the order of the day, the Bill entitled “An Act to authorize the Justices of the Peace of the Midland District to loan a further sum of money for the purposes therein mentioned,” was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. McGill in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said Bill into consideration and recommended that a Conference be requested with the Commons House of Assembly on the subject matter thereof. Ordered that the report be accepted, and on motion made and seconded the Hon. Messieurs Wells and Markland being appointed a Committee for that purpose, a message in the following words was signed by the Speaker and by the Master in Chancery carried down and delivered to the Commons House of Assembly:—

Mr. Speaker,—The Honorable the Legislative Council request a Conference with the Commons House of Assembly on the subject matter of the Bill entitled “An Act to authorize the Justices of the Peace of the Midland District to loan a further sum of money for the purposes therein mentioned,” and have appointed a committee of two members who will be ready to meet the Committee of the Commons House of Assembly in the Joint Committee Room at 3 o'clock p.m. this day.

(Signed) WILLIAM DUMMER POWELL, Speaker.

Legislative Council Chamber, 29th December, 1823.

Pursuant to the order of the day, the Bill entitled “An Act to enable the Justices of the Peace of the District of Johnstown to erect a new Jail and Court House, or repair the old one, and to erect new bridges over Yonge and Irish Creek,” was read a second time; and on motion made and seconded the House re-

solved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Baby in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress in the said Bill, and requested leave to sit again. Ordered that the report be accepted, and leave given accordingly.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill entitled "An Act for the relief of James Carrol." The deputation having withdrawn, the said Bill was read a first time.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill entitled "An Act to divide the County of Halton, in the Gore District." The deputation having withdrawn, the said Bill was read a first time.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill entitled "An Act to repeal part of the second clause of an Act passed in the thirty-third year of His late Majesty's reign, entitled 'An Act to provide for the nomination and appointment of Parish and Town Officers within this Province,' and to make more effectual provision for obtaining an Accurate Census of the Population of this Province." The deputation having withdrawn the said Bill was read a first time, and on motion made and seconded ordered to be read a second time to-morrow.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill entitled "An Act to provide for the erection of the County of Prince Edward into a Separate District, and for other purposes therein mentioned." The deputation having withdrawn the said Bill was read a first time.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up and delivered a message in the following words:—

Mr. Speaker,—The Commons House of Assembly have agreed to the request of the Honorable the Legislative Council for a conference on the subject matter of the Bill entitled "An Act to authorize the Justices of the Peace of the Midland District to loan a further sum of money for the purposes therein mentioned," and have appointed four of its members to meet the Committee of the Honorable the Legislative Council at the time and place appointed.

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 29th December, 1823.

The deputation having withdrawn, the said message was read.

On motion made and seconded, ordered that so much of the order of the day as relates to the recommitment of the Bill entitled "An Act to repeal part of and amend an Act passed in the fiftieth year of His late Majesty's reign, entitled 'An Act to provide for the laying out, amending and keeping in repair the Public Highways and Roads in this Province, and to repeal the Laws now in force for that purpose, and also to repeal part of and amend the provisions of An Act passed in the fifty-ninth year of His late Majesty's reign, entitled "An Act to repeal part of and amend the laws now in force for laying out, amending and keeping in repair the Public Highways and Roads in this Province"'" be discharged and be of the order of the day for to-morrow.

On motion made and seconded, the Petition of the Inhabitants of the Western District was read.

On motion made and seconded the House adjourned during pleasure. The House formed.

The Committee appointed to confer with the Committee of the Commons House of Assembly on the subject matter of the Bill entitled "An Act to authorize the Justices of the Peace of the Midland District to loan a further sum of money for the purposes therein mentioned," reported the following:—

"That, in answer to a query put by your Committee on the part of this House, as to the intended construction of the last provision of the Bill in question, they were informed that the intention of the House of Assembly was not to render it compulsory on the magistrate to appropriate a larger annual liquidation than the original three hundred pounds required by the former Bill therein referred to." On motion made and seconded, the House resolved itself into a Committee of the Whole to take the said report into consideration. House in Committee. Mr. Crookshank in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said report into consideration and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that the Bill be now recommitted. House in Committee. Mr. McGill in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the said Bill and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that the Bill be read a third time to-morrow.

On motion made and seconded the House adjourned until to-morrow at 11 o'clock a.m.

Tuesday, 30th December, 1823.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell (Speaker), James Baby, John McGill, George Crookshank, Reverend John Strachan, Angus Mackintosh, Joseph Wells, Duncan Cameron, George H. Markland.

Prayers were read.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up and delivered at the Bar of this House the following message and resolutions:—

Mr. Speaker,—The Commons House of Assembly communicates to the Honorable the Legislative Council certain resolutions of this House relative to the Culture of Tobacco in this Province, and to which it requests the concurrence of that Honorable Body.

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 29th December, 1823.

Resolved, That it is the opinion of this House that the restrictions under which the Bread Stuffs and other commodities of Canada are admitted into Great Britain, the state of the markets in other places to which they are permitted to be exported, and the impediments which render the transportation of them from the

remote districts of Upper Canada both difficult and expensive, have caused the value of these staples in those districts to be greatly depreciated and have checked their agricultural and commercial prosperity.

Resolved, That actual experiment has proved that the climate and soil of those districts are generally well adapted to the culture of tobacco, which, if encouraged by the certainty of a remunerating price to the grower, would be cultivated in considerable quantities, thereby enabling the inhabitants to pay for the large supplies of manufacturers which they require from the Mother Country.

Resolved, That it has been sufficiently proved that the tobacco of Upper Canada, from being cultivated by a free instead of a slave population, from its less easy access to market and from other causes, costs $2\frac{1}{2}$ d. per pound more when imported into Great Britain than the same article brought from the United States of America and consequently that it cannot compete with it in the Mother Country, where no duties, it is believed, are levied on its importation.

Resolved, That if an abatement of threepence per pound in favor of tobacco produced in Upper Canada were made in the excise duty imposed upon the article in Great Britain when taken out of the warehouse for consumption, it would afford sufficient encouragement to the grower, and lead, without doubt, to its general cultivation in the Western Districts of this Province.

Resolved, That such a measure on the part of the Mother Country would induce the rapid population of those remote sections of Upper Canada which, though highly favored in regard to climate and soil, require some peculiar advantage of this description to compensate for their remoteness from market, and that it would add most materially to the strength and value of the Province in general, by the introduction of capital, give an impulse to improvements of every kind, and enable a much greater portion of its inhabitants to become profitable consumers of the manufactures of Great Britain.

Resolved, That in the opinion of this House it is expedient to address His Most Gracious Majesty praying that His Majesty would recommend to His Parliament to grant the indulgence suggested in the foregoing resolutions.

Truly extracted from the minutes.

(Signed) G. POWELL, Clk., Ass'y.

The deputation having withdrawn, the said message and resolutions were read, and on motion made and seconded, ordered that the House do on to-morrow take the same into consideration.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill entitled "An Act to repeal an Act passed in the forty-fifth year of His late Majesty's reign, entitled 'An Act to regulate the trial of controverted elections or returns of members to serve in the House of Assembly,' and to make more effectual provision for such trials." The deputation having withdrawn the said Bill was read a first time, and on motion made and seconded, ordered to be read a second time to-morrow.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into further consideration the Bill entitled "An Act to divide the County of Carleton, in the Bathurst District." House in Committee. Dr. Strachan in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some further progress in the said Bill, and requested leave to sit again. Ordered that the report be accepted and leave given accordingly. On motion made

and seconded, ordered that so much of the order of the day as relates to the recommitment of the Bill entitled "An Act to repeal part of and amend an Act passed in the fiftieth year of His late Majesty's reign, entitled 'An Act to provide for the laying out, amending and keeping in repair the public highways and roads in this Province, and to repeal the laws now in force for that purpose,' and also to repeal part of and amend the provisions of an Act passed in the fifty-ninth year of His late Majesty's reign, entitled 'An Act to repeal part of and amend the Laws now in force for laying out, amending and keeping in repair the public highways and roads in this Province,'" be discharged and be of the order of the day for Friday next.

Pursuant to the order of the day the Bill entitled "An Act to repeal part of the second clause of an Act passed in the thirty-third year of His late Majesty's reign, entitled 'An Act to provide for the nomination and appointment of parish and town officers within this Province and to make more effectual provision for obtaining an accurate census of the population of this Province,'" was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Mackintosh in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill, and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that the said Bill be read a third time to-morrow.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill entitled "An Act to repeal part of and to amend an Act passed in the fiftieth year of the reign of His late Majesty George the Third, entitled 'An Act for granting to His Majesty a Duty on Billiard Tables,'" The deputation having withdrawn, the said Bill was read a first time.

The deputation also brought up a Bill entitled "An Act to make good certain monies issued and advanced by His Excellency the Lieutenant Governor in pursuance of the Address of the House of Assembly during the last Session," which was read a first time and ordered to be read a second time to-morrow, and likewise a Bill entitled "An Act to continue and amend an Act passed in the fifty-eighth year of His late Majesty's reign, entitled 'An Act to continue the Laws now in force for granting an additional Duty on Shop Licences,' and to require persons selling spirituous liquors by wholesale to take out a License for that purpose," which was also read a first time, and ordered to be read a second time on Friday next.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill entitled "An Act to alter the times of holding the terms of Hilary and Michaelmas." The deputation having withdrawn, the said Bill was read a first time, and on motion made and seconded ordered to be read a second time on Friday next.

On motion made and seconded, the Bill entitled "An Act to repeal part of and extend the provisions of an Act passed in the thirty-eighth year of His late Majesty's reign, entitled 'An Act to ascertain and establish on a permanent footing the boundary lines of the different townships of this Province,'" was read a second time, and the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Cameron in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress in the said Bill, and requested leave to sit again on Friday. Ordered that the report be accepted and leave given accordingly.

On motion made and seconded, the House adjourned until to-morrow at 12 o'clock noon.

Wednesday, 31st December, 1823.

The House met pursuant to adjournment.

Present: The Hon. William Dummer Powell (Speaker), James Baby, John McGill, William Dickson, Thomas Clark, George Crookshank, Reverend John Strachan, Angus Mackintosh, Joseph Wells, Duncan Cameron, George H. Markland.

Prayers were read.

Pursuant to the order of the day, the Bill entitled "An Act to repeal part of the second clause of an Act passed in the thirty-third year of His late Majesty's reign, entitled 'An Act to provide for the nomination and appointment of Parish and Town Officers within this Province, and to make more effectual provision for obtaining an accurate census of the Population of this Province,'" was read a third time, and the question being put if the said Bill do now pass it was carried in the affirmative, whereupon the Speaker signed the same, and it was by the Master in Chancery carried down and returned to the Commons House of Assembly.

Pursuant to the order of the day, the Bill entitled "An Act to make good certain monies issued and advanced by His Excellency the Lieutenant Governor, in pursuance of the Address of the House of Assembly during the last Session," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Markland in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee recommended that a Select Committee be appointed to search for precedents. Ordered that the report be accepted, and on motion made and seconded the Hons. Messieurs Crookshank and Markland were appointed a Committee for that purpose.

Pursuant to the order of the day, the Bill entitled "An Act to repeal an Act passed in the forty-fifth year of His late Majesty's reign, entitled 'An Act to regulate the trial of controverted elections, or returns of members to serve in the House of Assembly,' and to make more effectual provision for such Trials," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Dickson in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress in the said Bill and requested leave to sit again. Ordered that the report be accepted and leave given accordingly.

A message from His Excellency the Lieutenant Governor being announced, Major Hillier was admitted, who delivered to the Speaker certain messages. Major Hillier having withdrawn they were read as follows:—

P. MAITLAND.

The Lieutenant Governor thinks proper to transmit for the information of the Honorable the Legislative Council the following extract from a dispatch which he

has recently received from His Majesty's Principal Secretary of State for the Colonies respecting the distribution of the sum appropriated by His Majesty for the compensation of losses sustained by the Inhabitants of this Province during the late war.

Government House, 31st December, 1823.

"If, however, the Province shall provide funds arising from new taxes to be specially imposed for that purpose, and in no degree hazarding the appropriation of the existing revenue, by which funds the Province may be enabled to take upon itself the annual payment of some portion of the Civil Establishment, the expense of which is now defrayed by Parliament, I should in that case be disposed to recommend to the Treasury the propriety of sanctioning a further grant in aid of the claimants bearing a proportion to the diminution of the annual grant of the British Parliament which may be effected by the Assembly taking a proportion of that payment on themselves."

P. MAITLAND.

The Lieutenant Governor transmits to the Honorable the Legislative Council a Copy of the Report of the Commissioners appointed under the Act for the improvement of the Internal Navigation of this Province.

Government House, 31st December, 1823.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into consideration the resolutions on the subject of the Culture of Tobacco received from the Commons House of Assembly yesterday. House in Committee. Mr. Clark in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said resolutions into consideration, had made some progress therein, and requested leave to sit again. Ordered that the report be accepted and leave given accordingly.

On motion made and seconded, the House adjourned until Friday next at 12 o'clock noon.

Friday, 2nd January, 1824.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell (Speaker), James Baby, John McGill, William Dickson, Thomas Clark, George Crookshank, Reverend John Strachan, Angus Mackintosh, Duncan Cameron, George H. Markland.

Prayers were read.

Pursuant to the order of the day the House resolved itself into a Committee of the whole to take into further consideration the Bill entitled "An Act to repeal part of and amend an Act passed in the fiftieth year of His late Majesty's reign, entitled 'An Act to provide for the laying out, amending, and keeping in repair the public highways and roads in this Province, and to repeal the laws now in force for that purpose,' and also to repeal part of and amend the provisions of an Act passed in the fifty-ninth year of his late Majesty's reign, entitled 'An Act to repeal part of and amend the laws now in force for laying out, amending and keeping in repair the public highways and roads in this Province.'" House in Committee. Mr. McGill in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill, and recommended it to the adoption of the House.

Ordered that the report be accepted, and on motion made and seconded that the said Bill be read a third time to-morrow.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into further consideration the Bill entitled "An Act to repeal part of and extend the provisions of an Act passed in the thirty-eighth year of His late Majesty's reign, entitled 'An Act to ascertain and establish on a permanent footing the Boundary Lines of the different Townships in this Province.'" House in Committee. Mr. Cameron in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said Bill into consideration and requested leave to sit again this day three months. Ordered that the report be accepted.

Pursuant to the order of the day, the Bill entitled "An Act to continue and amend an Act passed in the fifty-eighth year of His late Majesty's reign, entitled 'An Act to continue the Laws now in force for granting an additional duty on Shop Licenses and to require persons selling spirituous liquors by wholesale to take out a license for that purpose,'" was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Baby in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that the said Bill be read a third time to-morrow.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill entitled "An Act to make permanent and extend the provisions of the laws now in force for the establishment and regulation of Common Schools throughout this Province, and for granting to His Majesty a further sum of money to promote and encourage education within the same." The deputation having withdrawn, the said Bill was read a first time, and on motion made and seconded ordered to be read a second time on Monday next.

Pursuant to the order of the day, the Bill entitled "An Act to alter the times of holding the Terms of Hilary and Michaelmas," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Dickson in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress in the said Bill, and requested leave to sit again on Monday. Ordered that the report be accepted and leave given accordingly.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill entitled "An Act to amend and make permanent a certain Act of the Parliament of this Province passed in the fifty-ninth year of the reign of His late Majesty King George the Third, entitled 'An Act to repeal the several laws now in force relative to levying and collecting rates and assessments in this Province, and further to provide for the more equal and general assessment of lands and other rateable property throughout this Province,' and to render more effectual the several laws of this Province imposing rates and assessments by providing under certain restrictions for the levying such rates and assessments, by the sale of a portion of the lands on which the same are charged." The deputation having withdrawn the said Bill was read a first time and on motion made and seconded ordered to be read a second time on Monday.

On motion made and seconded the House resolved itself into a Committee of the Whole to take into further consideration the Kingston Bank Bill. House in Committee. Mr. McGill in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some further amendments to the said Bill, which they recommended to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that the amendments be engrossed and the Bill as amended read a third time to-morrow.

On motion made and seconded the House resolved itself into a Committee of the Whole to take into consideration the messages of His Excellency the Lieutenant Governor received on Wednesday last. House in Committee. Mr. Clark in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said messages into consideration and recommended that a Select Committee be appointed to prepare addresses in answer thereto. Ordered that the report be accepted, and on motion made and seconded the Honorable Messieurs Clark and Crookshank were appointed accordingly.

On motion made and seconded the House adjourned during pleasure. The House formed.

The Committee appointed to prepare addresses in answer to His Excellency the Lieutenant Governor's messages of Wednesday reported that they had done so. Ordered that the report be accepted, and on motion made and seconded that the said addresses be engrossed and read a third time to-morrow.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into further consideration the resolutions on the subject of the culture of tobacco. House in Committee. Mr. Clark in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee concurred in the principle of the resolutions and recommended that a conference be requested with the Commons House of Assembly on the subject matter thereof. Ordered that the report be accepted, and on motion made and seconded a message in the following words was signed by the Speaker and by the Master in Chancery carried down and delivered to the Commons House of Assembly:—

Mr. Speaker,—The Honorable the Legislative Council request a conference with the Commons House of Assembly upon the subject matter of the resolutions sent up for the concurrence of this House on Tuesday last, and have appointed a committee of two members who will be ready to meet the Committee of the Commons House of Assembly in the Joint Committee Room at 11 o'clock a.m. to-morrow.

(Signed) WILLIAM D. POWELL, Speaker.

Legislative Council Chamber, 2nd January, 1824.

The Honorable Messieurs Clark and Strachan were appointed a Committee for that purpose.

On motion made and seconded the House resolved itself into a Committee of the Whole to take into further consideration the Bill entitled "An Act to repeal an Act passed in the forty-first year of His late Majesty's reign, entitled 'An Act for granting to His Majesty, His Heirs, and Successors, to and for the uses of this Province, the like duties on Goods and Merchandise brought into this Province from the United States of America as are now paid on Goods and Mer-

chandise imported from Great Britain and other places,' and also an Act passed in the forty-third year of His late Majesty's reign, entitled 'An Act to explain and amend an Act passed in the forty-first year of His Majesty's reign, entitled 'An Act for granting to His Majesty, His Heirs, and Successors, to and for the uses of this Province, the like duties on Goods and Merchandise brought into this Province from the United States of America as are now paid on Goods and Merchandise imported from Great Britain and other places," and to provide more effectually for the collection and payment of duties on Goods and Merchandise coming from the United States of America into this Province, and also to establish a fund for the erection and repairing of Light Houses, and to make more effectual provision for the due collection of duties on goods imported into this Province." House in Committee. Mr. Dickson in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said Bill into consideration and recommended that a Select Committee be appointed to examine into and report upon the Bill by Tuesday next. Ordered that the report be accepted, and on motion made and seconded the Honorable Messieurs Baby, Clark, and Strachan were appointed accordingly.

The Committee appointed to search for precedents reported that in the Bill for making good certain sums of money advanced by His Excellency there was a departure from the usual course by the adoption of the words "for other purposes." On motion made and seconded a message in the following words was signed by the Speaker and carried down and delivered to the Commons House of Assembly by the Master in Chancery:—

Mr. Speaker,—The Honorable the Legislative Council request a conference with the Commons House of Assembly on the subject matter of the Bill entitled "An Act to make good certain monies issued and advanced by His Excellency the Lieutenant Governor in pursuance of the address of the House of Assembly during the last Session," and have appointed a Committee of two members who will be ready to meet the Committee of the Commons House of Assembly in the Joint Committee Room at 11 o'clock a.m. to-morrow.

(Signed) WILLIAM D. POWELL, Speaker.

Legislative Council Chamber, 2nd January, 1824.

The Honorable Messieurs Clark and Strachan were appointed a Committee for that purpose.

On motion made and seconded the House adjourned until to-morrow at 12 o'clock noon.

Saturday, 3rd January, 1824.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell (Speaker), James Baby, John McGill, William Dickson, Thomas Clark, George Crookshank, Reverend John Strachan, Angus Mackintosh, Joseph Wells, Duncan Cameron, George H. Markland, John Henry Dunn.

Prayers were read.

Pursuant to the order of the day, the Bill entitled "An Act to repeal part of and amend an Act passed in the fiftieth year of His late Majesty's reign, entitled 'An Act to provide for the laying out, amending and keeping in repair the Public

Highways and Roads in this Province, and to repeal the laws now in force for that purpose,' and also to repeal part of and amend the provisions of an Act passed in the fifty-ninth year of His late Majesty's reign, entitled 'An Act to repeal part of and amend the laws now in force for laying out, amending, and keeping in repair the public highways and roads in this Province,' and the Bill entitled 'An Act to continue and amend an Act passed in the fifty-eighth year of His late Majesty's reign, entitled "An Act to continue the laws now in force for granting an additional duty on Shop Licenses," and to require persons selling Spirituous Liquors by wholesale to take out a License for that purpose," were read a third time, and the question being put upon each respectively it was carried in the affirmative, whereupon the Speaker signed the said Bills and they were by the Master in Chancery carried down and returned to the Commons House of Assembly.

On motion made and seconded, ordered that so much of the order of the day as relates to the third reading of the Kingston Bank Bill be discharged, and that the said Bill be now recommitted. House in Committee. Mr. McGill in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said Bill into further consideration and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that the said Bill be read a third time this day.

Pursuant to the order of the day, the Kingston Bank Bill was read a third time, and on motion made and seconded it was ordered that it be entitled "An Act to make further provision for settling the affairs of the pretended Bank of Upper Canada," and the question being put if the Bill do now pass it was carried in the affirmative. Whereupon the Speaker signed the same and it was by the Master in Chancery carried down and delivered to the Commons House of Assembly.

Pursuant to the order of the day, the addresses in answer to His Excellency the Lieutenant Governor's messages of Wednesday, being engrossed, were read a third time, and the question being put upon each respectively if it do now pass was carried in the affirmative, whereupon the Speaker signed the same, as follows:

To His Excellency Sir Peregrine Maitland, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding His Majesty's Forces therein, etc., etc., etc.

May it Please Your Excellency,—The Legislative Council return their respectful thanks to Your Excellency for transmitting to them an Extract of a Dispatch recently received from His Majesty's Principal Secretary of State for the Colonies respecting the distribution of the sum appropriated by His Majesty for the compensation of losses sustained by the inhabitants of this Province during the late war.

(Signed) WILLIAM DUMMER POWELL, Speaker.

Legislative Council Chamber, 3rd January, 1824.

To His Excellency Sir Peregrine Maitland, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding His Majesty's Forces therein, etc., etc., etc.

May it Please Your Excellency,—The Legislative Council return their respectful thanks to Your Excellency for transmitting to them a Copy of the Report of the Commissioners appointed for the improvement of the Internal Navigation of this Province.

(Signed) WILLIAM DUMMER POWELL, Speaker.

Legislative Council Chamber, 3rd January, 1824.

On motion made and seconded, the Honorable Messieurs Clark and Crookshank were appointed a committee to wait upon His Excellency to know when he would be pleased to receive the Addresses and to present the same.

Pursuant to the order of the day, the Bill entitled "An Act to make permanent and extend the provisions of the Laws now in force for the establishment and regulation of Common Schools throughout this Province, and for granting to His Majesty a further sum of money to promote and encourage education within the same," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Crookshank in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress in the said Bill, and requested leave to sit again on Monday. Ordered that the report be accepted and leave given accordingly.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up and delivered a message in the following words:—

Mr. Speaker,—The Commons House of Assembly have acceded to the requests of the Honorable the Legislative Council for a conference on the subject matter of the Bill entitled "An Act to make good certain moneys issued and advanced by His Excellency the Lieutenant Governor in pursuance of the Address of the House of Assembly during the last Session, and for a conference on the subject matter of the Resolutions sent up by this House for the concurrence of that Honorable Body on Tuesday last," and have appointed two committees of four members each, who will be ready to meet the conferees of the Honorable the Legislative Council at the time and place appointed.

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 2nd January, 1824.

The Committee appointed to confer with the Committee of the Commons House of Assembly on the subject matter of the resolutions sent up for the concurrence of this House on Tuesday last reported: That they had met the Committee of the Commons House of Assembly in the Joint Committee Room, and informed them that it appeared to the Honorable the Legislative Council that the allusion made in the first resolution to the restrictions imposed upon the admission of our Bread Stuffs into Great Britain might be prejudicial to the objects of the application and to the general interests of the Province, and they agreed to recommend that a Joint Committee might be formed for the purpose of preparing an address in conformity to the spirit of the resolutions, making the amendments suggested. Ordered that the report be adopted.

The Committee appointed to confer with the Committee of the Commons House of Assembly on the subject matter of the Bill entitled "An Act to make good certain monies issued and advanced by His Excellency the Lieutenant Governor in pursuance of the Address of the House of Assembly during the last Session," re-

ported that they had done so, and informed them of the part of the Bill which appeared objectionable to the Honorable the Legislative Council, when the Committee of the House of Assembly agreed to recommend to their House to frame and send to the Legislative Council a Bill leaving out the objectionable part. Ordered that the report be adopted.

On motion made and seconded, the Honorable Mr. Markland obtained leave to present a petition from the Grand and Petit Juries of the District of Johnstown; and a petition from the inhabitants of the Township of Yonge, in the District of Johnstown, which were ordered to lie upon the table.

On motion made and seconded the House adjourned until Monday at 12 o'clock noon.

Monday, 5th January, 1824.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell (Speaker), James Baby, John McGill, William Dickson, Thomas Clark, George Crookshank, Reverend John Strachan, Angus Mackintosh, Joseph Wells, Duncan Cameron, George H. Markland, John Henry Dunn.

Prayers were read.

The Committee appointed to wait upon His Excellency the Lieutenant Governor to know when he would be pleased to receive the Addresses of this House in answer to His Excellency's message of the 31st ultimo, reported that they had done so, and that His Excellency being then ready to receive them, they were presented accordingly.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into further consideration the Bill entitled "An Act to alter the times of holding the terms of Hilary and Michaelmas." House in Committee. Mr. Dickson in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill and had made some amendments thereto, which they recommended to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that the amendments be engrossed and the Bill as amended read a third time to-morrow.

Pursuant to the order of the day, the House resolved itself into a Committee of the whole to take into further consideration the Bill, entitled, "An Act to make permanent and extend the provisions of the laws now in force for the establishment and regulation of Common Schools throughout this Province, and for granting to His Majesty a further sum of money to promote and encourage education within the same." House in Committee. Mr. Crookshank in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some further progress in the Bill and requested leave to sit again, and the question being put if the report be accepted it was carried in the negative. Whereupon the said Bill, on motion made and seconded, was ordered to be read a third time to-morrow.

On motion made and seconded, the Honorable Messieurs Dickson and Markland were appointed a Select Committee to search for Precedents as to the proceedings of the House in cases where the reports of Committees on Bills are refused.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill entitled "An

Act to repeal the laws now in force for the preservation of the Salmon Fishery in this Province and to make more effectual provision for a limited time for the preservation of the said Fishery." The deputation having withdrawn, the said Bill was read a first time, and on motion made and seconded ordered to be read a second time to-morrow.

Pursuant to the order of the day, the Bill entitled "An Act to amend and make permanent a certain Act of the Parliament of this Province passed in the fifty-ninth year of the reign of His late Majesty King George the Third, entitled 'An Act to repeal the several laws now in force, relative to levying and collecting rates and assessments in this Province, and further to provide for the more equal and General Assessment of Lands and other rateable property throughout this Province,' and to render more effectual the several laws of this Province imposing rates and assessments by providing under certain restrictions for the levying such rates and assessments by the sale of a portion of the lands on which the same are charged," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Wells in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress in the said Bill, and requested leave to sit again. Ordered that the report be accepted and leave given accordingly.

A message from His Excellency the Lieutenant Governor being announced, Major Hillier was admitted, who delivered a message to the Speaker. Major Hillier having withdrawn, the said message was read as follows:—

P. MAITLAND.

The Lieutenant Governor is apprehensive that the contemplated arrangements for a second circuit will not secure the certain and effectual administration of justice without an increase in the number of judges which was deemed sufficient in the original Constitution of the Court of King's Bench.

The Lieutenant Governor therefore recommends to the Honorable the Legislative Council to take into consideration the propriety of enabling him to make provision for an additional appointment to the Bench.

In regard to this measure the Lieutenant Governor suggests to the Honorable Legislative Council that it may be expedient to avoid delay on account of the necessity of submitting any addition of this nature for the approbation of His Majesty's Government.

3rd January, 1824.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill entitled "An Act to increase the Salary of the Assistant Adjutant General of Militia."

The deputation having withdrawn, the said Bill was read a first time.

On motion made and seconded the House adjourned until to-morrow at 11 o'clock a.m.

Tuesday, 6th January, 1824.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell (Speaker), James Baby, John McGill, William Dickson, Thomas Clark, George Crookshank, and Rev. John Strachan, Angus Mackintosh, Joseph Wells, Duncan Cameron, George H. Markland, John Henry Dunn.

Prayers were read.

The Committee appointed to examine into and report upon the Bill entitled "An Act to repeal an Act passed in the forty-first year of His late Majesty's reign, entitled, 'An Act for granting to His Majesty, His Heirs, and Successors, to and for the uses of this Province, the like duties on Goods and Merchandise brought into this Province from the United States of America as are now paid on Goods and Merchandise imported from Great Britain and other places,' and also an Act passed in the forty-third year of His late Majesty's reign, entitled, An Act to explain and amend an Act passed in the forty-first year of His Majesty's reign, entitled 'An Act for granting to His Majesty, His Heirs and Successors, to and for the uses of this Province, the like duties on Goods and Merchandise brought into this Province from the United States of America, as are now paid on Goods and Merchandise imported from Great Britain and other places,' and to provide more effectually for the collection and payment of duties on Goods and Merchandise coming from the United States of America into this Province, and also to establish a fund for the erection and repairing for Light Houses,' and to make more effectual provision for the due collection of duties on goods imported into this Province." Respectfully reported:

That they had gone through the same and found that it comprised all the enactments of the former Acts, for the collection and regulation of duties on goods coming into this Province from the United States of America, with one exception, and that the Bill also contains some new enactments. The exception is: The power given to the Quarter Sessions to try claims for seizures, being omitted in the present Bill. That the new enactments were a provision for the disposal of perishable articles by the collector. A provision that three Commissioners shall sit and decide once a month on seized goods to the extent of forty pounds, in lieu of the Quarter Sessions, which formerly had only cognizance as far as twenty pounds. A provision for the Lieutenant Governor to restore goods in certain cases. A provision for branding and making kegs of tobacco. A provision to find security for payment of costs by the claimant of goods if the goods are restored to him.

The Committee further reported, That it appeared to them that a provision was wanting for the recovery of forfeitures and penalties incurred by the said Bill; also a provision for the Court of Quarter Sessions or Commissioners to try causes for seizures of contraband goods under twenty or forty pounds, and the distribution of such goods in case of condemnation; also an amendment to the clause which enacts that if the Master or owner of any vessel, boat, raft or carriage shall make a false report, which amendment should state *knowingly* make a false report, and also that an amendment should be made so as to require the collectors to make their report and returns upon oath.

On motion made and seconded, ordered that the House do, after the order of the day is gone through, resolve itself into a Committee of the whole to take the said Bill and report into consideration.

Pursuant to the order of the day, the Bill entitled "An Act to alter the times of holding the terms of Hilary and Michaelmas," was read a third time as amended, and the question being put if it do now pass, was carried in the affirmative, whereupon the Speaker signed the amendments and the said Bill was by the Master in Chancery carried down, and returned to the Commons House of Assembly.

Pursuant to the order of the day, the Bill entitled "An Act to repeal the Laws now in force for the preservation of the Salmon Fishery in this Province, and to

make more effectual provision for a limited time for the preservation of the said Fishery," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Markland in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill and had made some amendments thereto, which they recommended to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that the said amendments be engrossed, and the Bill as amended read a third time to-morrow.

On motion made and seconded, ordered that so much of the order of the day as relates to the third reading of the Bill entitled "An Act to make permanent and extend the provisions of the Laws now in force for the establishment and regulation of Common Schools throughout this Province, and for granting to His Majesty a further sum of money to promote and encourage education within the same," be discharged, and be made part of the order of the day for to-morrow.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into consideration the message of His Excellency the Lieutenant Governor received yesterday. House in Committee. Mr. Dunn in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said message into consideration and recommended that a Select Committee be appointed to prepare an address in answer thereto. Ordered that the report be accepted, and on motion made and seconded the Honorable Messrs. Cameron and Dunn were appointed accordingly.

On motion made and seconded, the House adjourned during pleasure. The House formed.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up and delivered a message in the following words:—

Mr. Speaker,—The Commons House of Assembly has appointed a Committee of Conference, pursuant to the report of the Joint Committee on the subject of the resolutions of this House respecting the Tobacco Trade of this Province.

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 6th January, 1824.

The deputation having withdrawn, the said message was read.

The Committee appointed to prepare an Address to His Excellency the Lieutenant Governor's message, received yesterday, reported that they had done so. Ordered that the report be accepted, and on motion made and seconded that the said Address be engrossed and read a third time to-morrow.

The Committee appointed to look into precedents respecting the course to be pursued when the report of a Chairman of a Committee of the whole House is not received by the House, respectfully reported:

That on the fourteenth day of December, in the year of our Lord one thousand eight hundred and twenty-one, the Bill entitled "An Act to repeal the laws now in force granting poundage to the Receiver General of this Province, and to provide a salary for that officer in lieu of such poundage," was passed in Committee, and the Chairman received permission to ask leave to sit again, which being reported the House did not receive the report. Whereupon it was moved that the Bill be recommitted, which was done. After some time the Chairman again reported

that the Committee had made some progress and prayed leave to sit again, which leave was refused by the House, and the Bill remained unnoticed until the nineteenth of the same month, when a motion was made and seconded that it should be read the third time the day after. The Bill was read and passed by a majority of the House. The Committee further reported that they had not found any other precedent on that subject. Ordered that the report be accepted.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole, to take into consideration the Bill entitled "An Act to repeal an Act passed in the forty-first year of His late Majesty's reign, entitled 'An Act for granting to His Majesty, His Heirs, and Successors, to and for the uses of this Province, the like duties on Goods and Merchandise brought into this Province from the United States of America as are now paid on Goods and Merchandise imported from Great Britain and other places,' and also an Act passed in the forty-third year of His late Majesty's reign, entitled 'An Act to explain and amend an Act passed in the forty-first year of His Majesty's reign, entitled 'An Act for granting to His Majesty, His Heirs and Successors, to and for the uses of this Province, the like duties on Goods and Merchandise brought into this Province from the United States of America as are now paid on Goods and Merchandise imported from Great Britain and other places, and to provide more effectually for the collection and payment of duties on Goods and Merchandise coming from the United States of America into this Province, and also to establish a fund for the erection and repairing of Light Houses,' and to make more effectual provision for the due collection of duties on goods imported into this Province," and also the report of the Select Committee thereupon. House in Committee. Mr. Dickson in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some further progress in the said Bill and requested leave to sit again to-morrow. Ordered that the report be accepted and leave given accordingly.

A message in the following words, being signed by the Speaker, was by the Master in Chancery carried down and delivered to the Commons House of Assembly:—

Mr. Speaker,—The Honorable the Legislative Council have appointed a committee of two members to confer with the Committee of the Commons House of Assembly pursuant to the report of the Joint Committee on the subject of the resolutions of the Commons House of Assembly respecting the Tobacco Trade of this Province. The Committee of the Legislative Council will be ready to meet the Committee of the House of Assembly in the Joint Committee Room at 10 o'clock a.m. to-morrow.

(Signed) WILLIAM DUMMER POWELL, Speaker.

Legislative Council Chamber, 6th January, 1824.

On motion made and seconded, the Honorable Messieurs Clark and Strachan were appointed a committee for that purpose.

On motion made and seconded, ordered that the forty-fourth rule of this House be dispensed with, and that the Bill entitled "An Act to repeal an Act passed in the forty-fifth year of His late Majesty's reign, entitled 'An Act to regulate the trial of controverted elections or returns of members to serve in the House of Assembly,' and to make more effectual provision for such trials," be now recommitted. House in Committee. Mr. Dickson in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that the said Bill be read a third time to-morrow.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up and delivered a message which was read as follows, after the deputation had withdrawn:—

Mr. Speaker,—The Commons House of Assembly has concurred in the amendments made by the Honorable the Legislative Council in and to the Bill entitled “An Act to alter the time of holding the Terms of Hilary and Michaelmas.”

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 6th January, 1824.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up and delivered a message in the following words:—

Mr. Speaker,—The Commons House of Assembly requests a conference with the Honorable the Legislative Council on the subject matter of the Bill entitled “An Act to make further provision for settling the affairs of the pretended Bank of Upper Canada.”

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 6th January, 1824.

The deputation having withdrawn, the said message was read, and on motion made and seconded the Honorable Messieurs Baby and Strachan being appointed a committee for that purpose, a message in the following words was signed by the Speaker and by the Master in Chancery carried down and delivered to the Commons House of Assembly:—

Mr. Speaker,—The Honorable the Legislative Council have agreed to a Conference with the Commons House of Assembly on the subject matter of the Bill entitled “An Act to make further provision for settling the affairs of the pretended Bank of Upper Canada,” and have appointed a committee of two members, who will be ready to meet the Committee of the Commons House of Assembly in the Joint Committee Room at 11 o'clock a.m. to-morrow.

(Signed) WILLIAM DUMMER POWELL, Speaker.

Legislative Council Chamber, 6th January, 1824.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up and delivered at the Bar of this House the following message and resolutions:—

Mr. Speaker,—The Commons House of Assembly communicates to the Honorable the Legislative Council certain resolutions on the subject of the Boundary between this Province and the United States of America, passed by this House to-day, and to which they request the concurrence of that Honorable Body.

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 6th January, 1824.

Resolved, That in the year 1822 a public instrument issued from the Department of State of the United States of America, purporting to be the award of the Commissioners under the Treaty of Ghent, for ascertaining the boundary line between Upper Canada and the said States, by which Barnhart's Island, which had been from the conquest and cession of Canada occupied by British subjects, and under His Majesty's Government was declared to be a part of and within the boundary of the said United States.

Resolved, that in conformity to the said declaration the State of New York, within whose territorial limits the said island has been declared to be situated, has disposed of and granted Letters Patent for the same, and has exercised jurisdiction by executing legal process therein.

Resolved, That Barnhart's Island extends to within 130 yards of the British shore, and that by its having been yielded to the United States the whole navigable waters of the Saint Lawrence have been ceded to that Government, whose jurisdiction is thereby extended to within thirty yards of the Canada shore, and His Majesty's Canadian subjects have been deprived of all access to Lower Canada by water unless by passing through the territories of a foreign Power.

Resolved, That Barnhart's Island is much nearer to the main Canadian shore than to that of the United States of America, and that the only safe channel for navigation is on the south side of that island, being between it and the main shore of the United States, while it is wholly impracticable for rafts of timber, staves, and other lumber, which are among the principal exports of Upper Canada, to descend by the intricate and shallow channel on the north side thereof, even were it ceded exclusively to His Majesty.

Resolved, That it is evident from the decision of the Commission under the Treaty of Ghent, that the Commissioner appointed on behalf of His Majesty's Government was either unacquainted with the local situation of Barnhart's Island and the great disadvantage which would result to the inhabitants of Upper Canada from its being yielded to the United States of America, or unwisely considered them as too unimportant in a national point of view to justify him in insisting on its remaining under His Majesty's dominion.

Resolved, That it appears by a message recently sent by the President to the Congress of the United States of America, that a negotiation is now pending with His Majesty's Government for the free navigation of the subjects of that Power of the River Saint Lawrence to the ocean.

Resolved, That in the opinion of your Committee such a measure, if acceded to by His Majesty's Government, would have a direct tendency to destroy the connexion between these Colonies and the parent State, would injure to an incalculable extent the Commerce and Revenues, and would, by admitting a direct trade under a foreign flag (not allowable to British subjects) facilitate the illicit introduction of foreign merchandise and afford advantages to the subjects of a Foreign State not enjoyed by those of His Majesty in this Province, for which the restitution of Barnhart's Island and the free navigation of the South Channel of the Saint Lawrence would not be an adequate compensation.

Resolved, That an humble Address be presented to His Majesty, founded upon the preceding resolutions, and imploring His Majesty to take into his most gracious consideration the unhappy situation in which His Majesty's faithful subjects of Upper Canada have been placed, by the unfortunate determination of the Commission under the Treaty of Ghent, respecting the boundary line of the Saint Lawrence, as well as the certain ruin which must ensue to British interests within the Pro-

vinces if the claims of the Government of the United States to the free navigation of the Saint Lawrence to the ocean shall be recognised, and earnestly entreating His Majesty to direct the attention of His Majesty's Ministers during the negotiation said to be depending, to such measures as may effectually secure the present and future interests of His Majesty's Canadian subjects.

Truly extracted from the minutes.

(Signed) G. POWELL, Clk. Assy.

The deputation having withdrawn, the said message and resolutions were read, and on motion made and seconded, ordered that the House do on to-morrow take the same into consideration.

On motion made and seconded the House adjourned until to-morrow at 3 o'clock p.m.

Wednesday, 7th January, 1824.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell (Speaker), James Baby, John McGill, William Dickson, Thomas Clark, George Crookshank, and Rev. John Strachan, Angus Mackintosh, Joseph Wells, Duncan Cameron, George H. Markland, John Henry Dunn.

Prayers were read.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill entitled "An Act to make good certain monies advanced by His Majesty pursuant to the Address of the House of Assembly at the last Session of Parliament to His Excellency the Lieutenant Governor," and a Bill entitled "An Act to amend and extend the provisions of an Act passed at the last Session of Parliament intituled 'An Act to provide for constructing a navigable canal between Burlington Bay and Lake Ontario.'" The deputation having withdrawn, the said Bills were read a first time, and on motion made and seconded, ordered to be read a second time to-morrow.

Pursuant to the order of the day, the Bill entitled "An Act to repeal the Laws now in force for the preservation of the Salmon Fishery in this Province and to make more effectual provision for a limited time for the preservation of the said Fishery," was read a third time as amended, and the question being put if it do now pass was carried in the affirmative, whereupon the Speaker signed the amendment.

Pursuant to the order of the day, the Bill entitled "An Act to repeal an Act passed in the forty-fifth year of His late Majesty's reign, entitled, 'An Act to regulate the trial of controverted elections, or returns of members to serve in the House of Assembly,' and to make more effectual provision for such trials," was also read a third time, and the question being put, if it do now pass, was carried in the affirmative, whereupon the Speaker signed the same, and the said Bills were by the Master in Chancery carried down and returned to the Commons House of Assembly.

Pursuant to the order of the day, the address in answer to the message of His Excellency the Lieutenant Governor, received on the 5th instant, was read a third time, and the question being put, if it do now pass, was carried in the affirmative, whereupon the Speaker signed the same as follows:—

To His Excellency Sir Peregrine Maitland, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada and Major General Commanding His Majesty's Forces therein, etc., etc.

May it Please Your Excellency,—The Legislative Council return their respectful thanks for Your Excellency's message respecting the necessity of securing certain and effectual administration of justice by an increase in the number of judges, and will take into consideration the propriety of enabling Your Excellency to make provision for an additional appointment to the Bench.

(Signed) WILLIAM DUMMER POWELL, Speaker.

Legislative Council Chamber, 7th January, 1824.

On motion made and seconded, the Honorable Messieurs Cameron and Dunn were appointed a Committee to wait upon His Excellency to know when he would be pleased to receive the address and to present the same.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into consideration the resolutions of the Commons House of Assembly on the subject of the boundary between this Province and the United States of America. House in Committee. Dr. Strachan in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the resolutions and had made some progress therein, and requested leave to sit again to-morrow. Ordered that the report be accepted and leave given accordingly.

The order of the day being read for the third reading of the Bill entitled "An Act to make permanent and extend the provisions of the Laws now in force for the establishment and regulation of Common Schools throughout this Province, and for granting to His Majesty a further sum of money to promote and encourage education within the same," it was moved and seconded, That the order of the day be dispensed with, and the question being put was carried in the negative, whereupon the said Bill was read a third time, and the question being put if it do now pass was carried in the affirmative, and the Speaker signed the same.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into further consideration the Bill entitled "An Act to repeal an Act passed in the forty-first year of His late Majesty's reign, entitled 'An Act for granting to His Majesty, His Heirs, and Successors, to and for the uses of this Province, the like duties on Goods and Merchandise brought into this Province from the United States of America as are now paid on Goods and Merchandise imported from Great Britain and other places,' and also an Act passed in the forty-third year of His late Majesty's reign, entitled "An Act to explain and amend An Act passed in the forty-first year of His Majesty's reign, entitled "An Act for granting to His Majesty, His Heirs, and Successors, to and for the uses of this Province the like duties on goods and merchandise brought into this Province from the United States of America as are now paid on Goods and Merchandise imported from Great Britain and other places," and to provide more effectually for the collection and payment of duties on Goods and Merchandise coming from the United States of America into this Province, and also to establish a fund for the erection and repairing of Light Houses," and to make more effectual provision for the due collection of duties on goods imported into this Province." House in Committee. Mr. Dickson in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some further progress in the said Bill and requested leave to sit again to-morrow. Ordered that the report be accepted and leave given accordingly.

On motion made and seconded the House adjourned until to-morrow at 12 o'clock noon.

Thursday, 8th January, 1824.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell (Speaker), James Baby, John McGill, William Dickson, Thomas Clark, George Crookshank, Reverend John Strachan, Angus Mackintosh, Joseph Wells, Duncan Cameron, George H. Markland, John Henry Dunn.

Prayers were read.

Dissentient—To the Bill passed yesterday, entitled "An Act to make permanent and extent the provisions of the Laws now in force for the establishment and regulation of Common Schools throughout this Province, and for granting to His Majesty a further sum of money to promote and encourage education within the same."

Because—The third reading of the Bill was unusual and unparliamentary, inasmuch as the refusal of the House to receive the report of the Committee of the Whole House that they had made some progress and begged leave to sit again. The said Committee was thereby dissolved and the Bill in progress for a recommitment.

Because—The Bill was read a third time without such recommitment, thereby cutting short all further discussion on the several clauses thereof.

Because—Such a course is without any precedent but a solitary one in December, 1821, and not applicable or parallel, originating in this House on the Receiver General's Bill, as reported by a Select Committee, ought not to form a future Rule of Conduct for this House, being contrary to the usual practice of deliberative bodies, and changing the accustomed proceedings of passing Laws.

Because—This Bill is made permanent, and a permanent appropriation of money is made to a Board not known to be permanent or recognised by any statute in this Province.

(Signed) WILLIAM DICKSON,

(Signed) THOMAS CLARK.

(Signed) ANGUS MACKINTOSH.

Pursuant to the order of the day, the Bill entitled "An Act to make good certain monies advanced by His Majesty pursuant to the address of the House of Assembly, at the last Session of Parliament to His Excellency the Lieutenant Governor," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Mackintosh in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill and recommended it to the adoption of the House. Ordered that the report be accepted. and on motion made and seconded that the said Bill be read a third time to-morrow.

Pursuant to the order of the day, the Bill entitled "An Act to amend and extend the provisions of an Act passed at the last Session of Parliament, intituled "An Act to provide for constructing a navigable canal between Burlington Bay and

Lake Ontario," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Cameron in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that the said Bill be read a third time to-morrow.

A deputation from the Commons House of Assembly being announced, it was admitted and brought up for the concurrence of this House a Bill entitled "An Act to amend the Laws now in force respecting the Court of Probate and Surrogate Court in this Province," and a Bill entitled "An Act to make more ample provision for regulating the police of the Town of Kingston." The deputation having withdrawn, the said Bills were read a first time, and on motion made and seconded ordered to be read a second time to-morrow.

Pursuant to the order of the day, the resolutions of the Commons House of Assembly on the subject of the Boundary between this Province and the United States of America were recommitted. House in Committee. Doctor Strachan in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said resolutions into further consideration and recommended them to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded, the Honorable Messieurs Strachan and Markland being appointed a Committee for that purpose, a message in the following words was signed by the Speaker, and by the Master in Chancery carried down and delivered to the Commons House of Assembly:—

Mr. Speaker,—The Honorable the Legislative Council request a Conference with the Commons House of Assembly to prepare an Address to His Majesty, founded upon the resolutions sent up by the Commons House of Assembly on the subject of the boundary line between this Province and the United States of America; and one to His Excellency the Lieutenant Governor praying him to transmit the same.

The Legislative Council have appointed a committee of two members who will be ready to meet the Committee of the Commons House of Assembly in the Joint Committee Room at 10 o'clock a.m. to-morrow.

(Signed) WILLIAM DUMMER POWELL, Speaker.

Legislative Council Chamber, 8th January, 1824.

The Master in Chancery also carried down and returned to the Commons House of Assembly the Bill entitled "An Act to make permanent and extend the provisions of the laws now in force for the establishment and regulation of Common Schools throughout this Province, and for granting to His Majesty a further sum of money to promote and encourage education within the same."

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into further consideration the Bill entitled "An Act to repeal an Act passed in the forty-first year of His late Majesty's reign, entitled 'An Act for granting to His Majesty, His Heirs, and Successors, to and for the uses of this Province, the like duties on Goods and Merchandise brought into this Province from the United States of America as are now paid on Goods and Merchandise imported from Great Britain and other Places,' and also an Act passed

in the forty-third year of His late Majesty's reign, entitled 'An Act to explain and amend an Act passed in the forty-first year of His Majesty's reign, entitled "An Act for granting to His Majesty, His Heirs, and Successors, to and for the uses of this Province, the like duties on Goods and Merchandise brought into this Province from the United States of America as are now paid on Goods and Merchandise imported from Great Britain and other places," and to provide more effectually for the collection and payment of duties on Goods and Merchandise coming from the United States of America into this Province, and also to establish a fund for the erection and repairing of Light Houses," and to make more effectual provision for the due collection of duties on goods imported into this Province." House in Committee. Mr. Dickson in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress in, and proposed some amendments to the Bill, and recommended that a Conference be requested with the Commons House of Assembly on the subject matter thereof. Ordered that the report be accepted, and on motion made and seconded the Honorable Messieurs Baby and Dickson being appointed a Committee for that purpose, a message in the following words was signed by the Speaker and by the Master in Chancery carried down and delivered to the Commons House of Assembly:—

Mr. Speaker,—The Honorable the Legislative Council request a conference with the Commons House of Assembly on the subject matter of the Bill sent up for the concurrence of this House, entitled "An Act to repeal an Act passed in the forty-first year of His late Majesty's reign, entitled 'An Act for granting to His Majesty, His Heirs, and Successors, to and for the uses of this Province, the like duties on Goods and Merchandise brought into this Province from the United States of America, as are now paid on Goods and Merchandise imported from Great Britain and other places," and also An Act passed in the forty-third year of His late Majesty's reign, entitled "An Act to explain and amend an Act passed in the forty-first year of His Majesty's reign, entitled "An Act for granting to His Majesty, His Heirs, and Successors, to and for the uses of this Province, the like duties on Goods and Merchandise brought into this Province from the United States of America, as are now paid on Goods and Merchandise imported from Great Britain and other places, and to provide more effectually for the collection and payment of duties on Goods and Merchandise coming from the United States of America into this Province, and also to establish a fund for the erection and repairing of Lighthouses,' and to make more effectual provision for the due collection of duties on goods imported into this Province." The Legislative Council have appointed a Committee of two members who will be ready to meet the Committee of the Commons House of Assembly in the Joint Committee Room at 11 o'clock a.m. to-morrow.

(Signed) WILLIAM DUMMER POWELL, Speaker.

Legislative Council Chamber, 8th January, 1824.

The Committee appointed to wait upon His Excellency the Lieutenant Governor to know when he would be pleased to receive the Address of this House, in answer to his message received on the 5th instant, reported that they had done so, and His Excellency being then ready to receive the same it was presented accordingly.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up and delivered a message in the following words:—

Mr. Speaker,—The Commons House of Assembly have appointed a Committee of four of its members to prepare jointly with the Committee of the Honorable the Legislative Council Addresses on the subject of the Boundary line between this Province and the United States of America, who will meet the Committee of that Honorable House at the time and place appointed.

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 8th January, 1824.

The deputation having withdrawn, the said message was read.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into further consideration the Bill entitled “An Act to amend and make permanent a certain Act of the Parliament of this Province passed in the fifty-ninth year of the reign of His late Majesty King George the Third, entitled ‘An Act to repeal the several Laws now in force relative to levying and collecting rates and assessments in this Province, and further to provide for the more equal and general Assessment of Lands and other rateable property throughout this Province,” and to render more effectual the several laws of this Province imposing rates and assessments by providing under certain restrictions for the levying such rates and assessments by the sale of a portion of the lands on which the same are charged. House in Committee. Mr. Wells in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some further progress in the said Bill, and recommended that one hundred copies thereof be printed. Ordered that the report be accepted.

On motion made and seconded, the Bill entitled “An Act to increase the salary of the Assistant Adjutant General of Militia,” was read a second time. The Honorable Mr. Markland signified to the House that His Excellency the Lieutenant Governor, having been apprized of the contents of this Bill, had no objection that the House might proceed thereon as they may think fit. Ordered that the House do now resolve itself into a Committee of the Whole to take the Bill into consideration. House in Committee. Mr. Markland in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that the said Bill be read a third time to-morrow.

On motion made and seconded, the Bill entitled “An Act for the relief of James Carrol,” being read a second time, the Honorable Mr. Markland signified to the House that His Excellency the Lieutenant Governor, having been apprized of the contents of this Bill, had no objection that the House might proceed thereon as they might think proper. Ordered that the House do now resolve itself into a Committee of the Whole to take the said Bill into consideration. House in Committee. Mr. Dunn in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that the said Bill be read a third time to-morrow.

On motion made and seconded, the Bill entitled “An Act for the relief of William Peterson,” being read a second time, the Honorable Mr. Markland signified

to the House that His Excellency the Lieutenant Governor, having been apprized of the contents of this Bill, had no objection that the House might proceed thereon as they may think proper. Ordered that the House do now resolve itself into a Committee of the Whole to take the said Bill into consideration. House in Committee. Mr. Baby in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress in the said Bill and requested leave to sit again this day three months. Ordered that the report be accepted.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into further consideration the Bill entitled "An Act for the relief of Hiram Spafford." House in Committee. Doctor Strachan in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the said Bill and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that the Bill be read a third time to-morrow.

On motion made and seconded, the House adjourned until to-morrow at 12 o'clock noon.

Friday, 9th January, 1824.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell (Speaker), James Baby, John McGill, William Dickson, Thomas Clark, Reverend John Strachan, Angus Mackintosh, Joseph Wells, Duncan Cameron, George H. Markland, John Henry Dunn.

Prayers were read.

Pursuant to the order of the day, the Bill entitled "An Act for the relief of James Carrol," the Bill entitled "An Act to increase the Salary of the Assistant Adjutant General of Militia," the Bill entitled "An Act to make good certain Moneys advanced by His Majesty pursuant to the Address of the House of Assembly at the last Session of Parliament to His Excellency the Lieutenant Governor," and the Bill entitled "An Act to amend and extend the provisions of an Act passed in the last Session of Parliament, entitled 'An Act to provide for constructing a navigable Canal between Burlington Bay and Lake Ontario,'" were read a third time, and the question being put upon each Bill respectively if it do now pass was carried in the affirmative, whereupon the Speaker signed the said Bills and they were by the Master in Chancery carried down and returned to the Commons House of Assembly.

On motion made and seconded, ordered that so much of the order of the day as relates to the third reading of the Bill entitled "An Act for the relief of Hiram Spafford," be discharged, and that the Bill be now recommitted. House in Committee. Mr. Dunn in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill and had made some amendments thereto which they recommended to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that the said amendments be engrossed and the Bill as amended read a third time to-morrow.

Pursuant to the order of the day, the Bill entitled "An Act to make more ample provision for regulating the Police of the Town of Kingston," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Dickson in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress in the said Bill, and requested leave to sit again to-morrow. Ordered that the report be accepted and leave given accordingly.

On motion made and seconded, the House adjourned until to-morrow at 11 o'clock a.m.

Saturday, 10th January, 1824.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell (Speaker), James Baby, John McGill, William Dickson, Thomas Clark, George Crookshank, Reverend John Strachan, Angus Mackintosh, George H. Markland, John Henry Dunn.

Prayers were read.

Pursuant to the order of the day, the Bill entitled "An Act for the relief of Hiram Spafford," was read a third time as amended, and the question being put if the Bill do now pass, was carried in the affirmative, whereupon the Speaker signed the amendments and the said Bill was by the Master in Chancery carried down and returned to the Commons House of Assembly.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up and delivered a message in the following words:—

Mr. Speaker,—The Commons House of Assembly has concurred in the request of the Honorable the Legislative Council for a Conference on the subject matter of the Bill entitled "An Act to repeal an Act passed in the forty-first year of His late Majesty's reign, entitled 'An Act for granting to His Majesty, His Heirs, and Successors, to and for the uses of this Province, the like duties on Goods and Merchandise brought into this Province from the United States of America as are now paid on Goods and Merchandise imported from Great Britain and other places,' and also an Act passed in the forty-third year of His late Majesty's reign, entitled 'An Act to explain and amend an Act passed in the forty-first year of His Majesty's reign, entitled, "An Act for granting to His Majesty, His Heirs, and Successors, to and for the uses of this Province, the like Duties on Goods and Merchandise brought into this Province from the United States of America as are now paid on Goods and Merchandise imported from Great Britain and other places," and to provide more effectually for the collection and payment of duties on Goods and Merchandise coming from the United States of America into this Province, and also to establish a fund for the erection and repairing of Light Houses," and to make more effectual provision for the due collection of duties on goods imported into this Province," and has appointed a Committee of four of its members who will be ready to meet the Committee of the Honorable the Legislative Council at the time and place appointed.

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 8th January, 1824.

The deputation having withdrawn, the said message was read.

Pursuant to the order of the day, the Bill entitled "An Act to amend the Laws now in force respecting the Court of Probate and Surrogate Court in this Province," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Crookshank in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress in the said Bill, and requested leave to sit again on Monday next. Ordered that the report be accepted and leave given accordingly.

A deputation from the Commons House of Assembly being announced, it was admitted and brought up for the concurrence of this House a Bill entitled "An Act to sanction and make valid an agreement made at Montreal on the fifth of August, 1823, by the arbitrators appointed for Upper and Lower Canada under the authority of an Act of the Parliament of Great Britain passed in the third year of His Majesty's reign, entitled 'An Act to regulate the trade of the Provinces of Lower and Upper Canada and for other purposes relating to the said Provinces, for obtaining a survey of the River Saint Lawrence, and for the appointment of Commissioners for that purpose,'" a Bill entitled "An Act granting to His Majesty a sum of money for the purposes therein mentioned," and a Bill entitled "An Act granting to His Majesty a sum of money to enable His Majesty to compensate the services of the arbitrator appointed under the Act of the Imperial Parliament passed in the third year of His Majesty's reign, intituled 'An Act to regulate the Trade of the Provinces of Lower and Upper Canada and for other purposes relating to the said Provinces,'" and also to compensate the Secretary who accompanied the said arbitrator during the several negotiations in Lower Canada." The deputation having withdrawn, the said Bills were read a first time, and on motion made and seconded ordered to be read a second time on Monday next. The said deputation also brought up for the concurrence of this House a Bill entitled "An Act granting to His Majesty a sum of money to remunerate Allan McNabb, Esquire, Serjeant at Arms, for past services and to provide a pension for him during his natural life," and a Bill entitled "An Act to continue for a limited time an Act passed in the second year of His Majesty's reign, entitled 'An Act to make provision for the Improvement of the Internal Navigation of this Province, as amended by An Act passed in the third year of His Majesty's reign, entitled "An Act to amend and extend the provisions of an Act passed in the second year of His Majesty's reign, entitled An Act to make provision for the Improvement of the Internal Navigation of this Province (except so much thereof as is thereby repealed) and to grant a further sum of money for such Improvement,"'" which Bills were also read a first time after the deputation had withdrawn.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into further consideration the Bill entitled "An Act to make more ample provision for regulating the Police of the Town of Kingston." House in Committee. Mr. Dickson in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that the said Bill be read a third time on Monday.

A deputation from the Commons House of Assembly being announced, it was admitted and brought up and delivered a message in the following words:—

Mr. Speaker,—The Commons House of Assembly has concurred in the amendments made by the Honorable the Legislative Council in and to the Bill entitled "An Act for the relief of Hiram Spafford."

(Signed) LEVIUS P. SHERWOOD, Speaker.

The deputation having withdrawn, the said message was read.

On motion made and seconded, the Bill entitled "An Act to repeal part of and to amend An Act passed in the fiftieth year of the reign of His late Majesty George the Third, entitled 'An Act for granting to His Majesty a Duty on Billiard Tables,'" was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Clark in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress in the said Bill and requested leave to sit again this day three months. Ordered that the report be accepted.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into further consideration the Bill entitled "An Act to enable the Justices of the Peace of the District of Johnstown to erect a new Jail and Court House or repair the old one, and to erect new Bridges over Yonge and Irish Creek. House in Committee. Mr. Baby in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill, and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that the said Bill be read a third time on Monday next.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into further consideration the Bill entitled "An Act to divide the County of Carleton in the Bathurst District." House in Committee. Mr. Baby in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill and had made some amendments thereto which they recommended to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that the said amendments be engrossed and the Bill as amended read a third time on Monday next.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill entitled "An Act for granting to His Majesty a sum of money in aid of the funds for defraying the expenses of the administration of Justice and support of the Civil Government of this Province." The deputation having withdrawn, the said Bill was read a first time, and on motion made and seconded ordered to be read a second time on Monday next.

The said deputation also brought up the Bill entitled "An Act to make further provision for settling the affairs of the pretended Bank of Upper Canada," to which the Commons House of Assembly had made some amendments. After the deputation had withdrawn, the said amendments were also read a first time.

On motion made and seconded, the House adjourned until Monday next at 12 o'clock noon.

Monday, 12th January, 1824.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell (Speaker), James Baby, John McGill, William Dickson, Thomas Clark, George Crookshank, Reverend John Strachan, Angus Mackintosh, Joseph Wells, Duncan Cameron, George H. Markland, John Henry Dunn.

Prayers were read.

On motion made and seconded, a message in the following words was signed by the Speaker, and by the Master in Chancery carried down and delivered to the Commons House of Assembly:—

Mr. Speaker,—The Honorable the Legislative Council request a free conference with the Commons House of Assembly on the subject matter of the Bill entitled “An Act to repeal an Act passed in the forty-first year of His late Majesty’s reign, entitled, ‘An Act for granting to His Majesty, His Heirs and Successors, to and for the uses of this Province the like duties on Goods and Merchandise brought into this Province from the United States of America as are now paid on Goods and Merchandise imported from Great Britain and other Places,’ and ‘also an Act passed in the forty-third year of His late Majesty’s reign, entitled ‘An Act to explain and amend an Act passed in the forty-first year of His Majesty’s reign, entitled “An Act for granting to His Majesty, His Heirs, and Successors, to and for the uses of this Province, the like duties on Goods and Merchandise brought into this Province from the United States of America as are now paid on Goods and Merchandise imported from Great Britain and other places,” and to provide more effectually for the collection and payment of duties on Goods and Merchandise coming from the United States of America into this Province, and also to establish a fund for the erection and repairing of Light Houses,” and to make more effectual provision for the due collection of Duties on goods imported into this Province.” The Legislative Council have appointed a Committee of two members who will be ready to meet the Committee of the Commons House of Assembly at 4 o’clock p.m. this day in the Joint Committee Room.

(Signed) WILLIAM DUMMER POWELL, Speaker.

Legislative Council Chamber, 12th January, 1824.

The Honorable Messieurs Baby and Dickson were appointed a Committee for that purpose.

Pursuant to the order of the day, the Bill entitled “An Act to make more ample provision for regulating the Police of the Town of Kingston,” was read a third time. On motion made and seconded the said Bill was recommitted. House in Committee. Mr. Dickson in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the Bill into further consideration, and requested leave to sit again to-morrow. Ordered that the report be accepted and leave given accordingly.

Pursuant to the order of the day, the Bill entitled “An Act to enable the Justices of the Peace of the District of Johnstown to erect a new Gaol and Court House, or repair the old one; and to erect new Bridges over Yonge and Irish Creeks,” was read a third time, and the question being put if it do now pass was carried in the affirmative, whereupon the Speaker signed the same, and the said Bill was by the Master in Chancery carried down and returned to the Commons House of Assembly.

On motion made and seconded, ordered that so much of the order of the day as relates to the third reading of the Bill entitled “An Act to divide the County of Carleton, in the Bathurst District,” as amended, be discharged, and that the said Bill be now recommitted. House in Committee. Mr. Markland in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some further progress in the Bill and requested leave to sit again. Ordered that the report be accepted and leave given accordingly.

Pursuant to the order of the day, the Bill entitled "An Act to sanction and make valid an agreement made at Montreal on the fifth day of August, 1823, by the Arbitrators appointed for Upper and Lower Canada under the authority of an Act of the Parliament of Great Britain passed in the third year of His Majesty's reign, entitled 'An Act to regulate the trade of the Provinces of Lower and Upper Canada and for other purposes relating to the said Provinces, for obtaining a survey of the River Saint Lawrence, and for the appointment of Commissioners for that purpose,'" was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Mackintosh in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that the said Bill be read a third time to-morrow.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up and delivered a message in the following words:—

Mr. Speaker,—The Commons House of Assembly requests a conference with the Honorable the Legislative Council on matters concerning the state of the library.

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 12th January, 1824.

The deputation having withdrawn, the said message was read, and on motion made and seconded, the Honorable Messieurs Strachan and Wells being appointed a Committee for that purpose, a message in the following words was signed by the Speaker and by the Master in Chancery carried down and delivered to the Commons House of Assembly:—

Mr. Speaker,—The Honorable the Legislative Council have agreed to a conference with the Commons House of Assembly concerning the library, and have appointed a Committee of two members, who will be ready to meet the Committee of the Commons House of Assembly in the Joint Committee Room at 11 o'clock a.m. to-morrow.

(Signed) WILLIAM DUMMER POWELL, Speaker.

Legislative Council Chamber, 12th January, 1824.

Pursuant to the order of the day, the Bill entitled "An Act granting to His Majesty a sum of money to enable His Majesty to compensate the services of the Arbitrator appointed under the Act of the Imperial Parliament passed in the third year of His Majesty's reign, entitled 'An Act to regulate the Trade of the Provinces of Lower and Upper Canada, and for other purposes relating to the said Provinces,' and also to compensate the Secretary who accompanied the said Arbitrator during the several negotiations in Lower Canada," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Cameron in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill, and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that the said Bill be read a third time to-morrow.

Pursuant to the order of the day, the Bill entitled "An Act for granting to His Majesty a sum of money in aid of the funds for defraying the expenses of the Administration of Justice and support of the Civil Government of this Province," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Wells in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that the said Bill be read a third time to-morrow.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into further consideration the Bill entitled "An Act to amend the Laws now in force respecting the Court of Probate and Surrogate Courts in this Province." House in Committee. Mr. Markland in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some further progress in the said Bill and requested leave to sit again this day three months. Ordered that the report be accepted.

On motion made and seconded, ordered that the recommitment of the Bill entitled "An Act to amend and make permanent a certain Act of the Parliament of this Province passed in the fifty-ninth year of the reign of His late Majesty King George the Third, entitled 'An Act to repeal the several Laws now in force relative to levying and collecting rates and assessments in this Province, and further to provide for the more equal and general assessment of Lands and other ratable property throughout this Province, and to render more effectual the several Laws of this Province imposing rates and assessments for providing under certain restrictions for the Levying such Rates and Assessments by the sale of a portion of the Lands on which the same are charged,'" be made the first thing on the order of the day for to-morrow.

On motion made and seconded, the Bill entitled "An Act to provide for the erection of the County of Prince Edward into a separate district and for the purposes therein mentioned," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Dunn in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress in the Bill and requested leave to sit again this day three months. Ordered that the report be accepted.

On motion made and seconded, the House adjourned until to-morrow at 12 o'clock noon.

Tuesday, 13th January, 1824.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell (Speaker), James Baby, William Dickson, Thomas Clark, George Crookshank, Reverend John Strachan, Angus Mackintosh, Joseph Wells, Duncan Cameron, George H. Markland.

Prayers were read.

Pursuant to the order of the day, the Bill entitled "An Act to sanction and make valid an agreement made at Montreal on the fifth of August, 1823, by the Arbitrators appointed for Upper and Lower Canada under the authority of an Act of the Parliament of Great Britain passed in the third year of His Majesty's

reign, entitled 'An Act to regulate the trade of the Provinces of Lower and Upper Canada and for other purposes relating to the said Provinces,' for obtaining a survey of the River Saint Lawrence, and for the appointment of Commissioners for that purpose," the Bill entitled "An Act granting to His Majesty a sum of money to enable His Majesty to compensate the services of the Arbitrator appointed under the Act of the Imperial Parliament passed in the third year of His Majesty's reign, intituled 'An Act to regulate the trade of the Provinces of Lower and Upper Canada, and for other purposes relating to the said Provinces,' and also to compensate the Secretary who accompanied the said Arbitrator during the several negotiations in Lower Canada," and the Bill entitled "An Act for granting to His Majesty a sum of money in aid of the funds for defraying the expenses of the administration of Justice and support of the Civil Government of this Province," were read a third time, and the question being put upon each Bill respectively if it do now pass, was carried in the affirmative, whereupon the Speaker signed the said Bills and they were by the Master in Chancery carried down and returned to the Commons House of Assembly.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into further consideration the Bill entitled "An Act to amend and make permanent a certain Act of the Parliament of this Province passed in the fifty-ninth year of the reign of His late Majesty King George Third, entitled 'An Act to repeal the several Laws now in force relative to levying and collecting rates and assessments in this Province, and further to provide for the more equal and general assessment of lands and other ratable property throughout this Province," and to render more effectual the several Laws of this Province imposing rates and assessments by providing under certain restrictions for the levying such rates and assessments by the sale of a portion of the Lands on which the same are charged." House in Committee. Mr. Wells in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that the said Bill be read a third time to-morrow.

That the Joint Committee of Conference on the subject of the Library having met agreed to recommend to their respective Houses that the members of both branches of the Legislature be requested to return the books in their possession into the Library by Thursday next, on which day the Committee will reassemble for the purpose of taking an accurate account of the state of the same.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up and delivered at the Bar of this House the following message and resolutions:—

Mr. Speaker,—The Commons House of Assembly communicates to the Honorable Legislative Council sundry Resolutions which passed this House this day, and to which they request the concurrence of that Honorable body.

(Signed) LEVIUS P. SHERWOOD, Speaker,

Commons House of Assembly, 12th January, 1824.

Resolved. That from the extensive and exposed frontier of Upper Canada, the facilities thereby afforded to the operations of Invading Armies and the incursions of predatory bands, from the power and resources directed against this

Province, and with which its inhabitants in the first instance had almost unsupported to contend, they suffered severe privations and calamities and sustained great losses by the pillage of their property and devastation of their estates, from which misfortunes their fellow subjects in Lower Canada (being more fortunately situated) were in a great degree exempted.

Resolved, That from the seat of war having been principally in Upper Canada, and three districts thereof alternately in possession of His Majesty's Forces and those of the United States, this Province unavoidably suffered much more extensively from the ravages and devastations incident to a state of actual warfare than Lower Canada.

Resolved, That from the causes before mentioned great individual sufferings have been sustained, and many of the inhabitants, once affluent, have been reduced to indigence and deprived of the means from which in happier times they had anticipated a suitable provision for their families.

Resolved, That the unfortunate situation of this class of His Majesty's subjects has engaged the sympathy of His most Gracious Majesty, His Majesty's Lieutenant Governor of this Province having by message at the last Session acquainted the House of Assembly that his Majesty had acceded to a request preferred by Mr. Galt, the agent for the sufferers, that a loan should be raised of £100,000, of which His Majesty's Government would guarantee half the interest (£2,500) per annum, the Province providing for the remainder, which loan should be applied in satisfaction of such claims of sufferers by the invasion as might be established before a new Commission.

Resolved, That the Legislative Council and House of Assembly at their last Session concurred in the passing of a Bill in compliance with His Majesty's recommendation charging the said sum of £2,500 sterling per annum on the revenues of the Province, which Bill from an apprehension of delay or insufficiency in the receipt into the Provincial Treasury was reserved for the signification of His Majesty's pleasure thereon, and has not been returned to this Province with the Royal assent.

Resolved, That His Majesty, with the most benevolent consideration for his unfortunate subjects the sufferers in Upper Canada, has directed the sum of £57,000 sterling, equal to about one-fourth of the losses admitted to have been sustained, to be distributed among them.

Resolved, That a message has been received during the present Session intimating that if the Province would provide by new taxes to be specially imposed for that purpose, and in no degree hazarding the appropriations of the existing revenue for the payment of a proportion of that part of the civil establishment which is now defrayed by the annual grant of the Imperial Parliament, a further payment might be expected by the sufferers bearing a proportion to the diminution which might be effected in the said grant.

Resolved, That from the embarrassments existing to prevent the regular receipt of the revenue, the impracticability of raising funds by direct taxation, the obstacles opposed to the equal collection of duties on customs on merchandise imported from Lower Canada and the United States of America and other causes, we have found it impossible to comply with this proposition, but to show our desire of relieving the sufferers we have concurred in the propriety of providing by new duties to be collected at the Port of Quebec for the interest on the sum of £50,000 sterling to be loaned for their relief, provided it shall be concurred in by the Legislature of Lower Canada.

Resolved, That Lower Canada, though a separate Colony, was distinctly identified with Upper Canada in the issue of the late contest with the United States of America, and was in great measure preserved from the dangers and devastations of war by the successful resistance made to the enemy in the Province of Upper Canada at so ruinous an expense to the fortunes of many of its inhabitants, and that an appeal may properly be made to the justice and sympathy of Lower Canada to participate in the payment of the indemnity to which the sufferers have so direct a claim.

Truly extracted from the Minutes.

(Signed) GRANT POWELL, Clk. Assy.

Resolved, That as direct taxation has been declared to be impracticable, and that as experience has shewn that this Province cannot by any legislative provision ensure the equal collection of duties from customs, the only resource to which this House can have recourse to provide for the interest on any loan that may be raised for indemnifying the sufferers by the late war with the United States of America is to acquiesce in the Parliament of Lower Canada imposing new duties for that purpose.

Resolved, That this House will assent to any laws which shall or may be enacted by the Parliament of Lower Canada for imposing new duties on imports at Quebec to meet the purposes of the preceding resolutions.

Resolved, That duties imposed on the following articles would be most acceptable to this Province and least felt by the consumer: On wines per gallon, on refined sugar per pound, on Muscovado sugar per pound, on merchandise subject to ad valorem duty.

Truly extracted from the Minutes.

(Signed)- GRANT POWELL, Clk. Assy.

The deputation having withdrawn the said message and resolutions were read, and on motion made and seconded, ordered that the House do on to-morrow take the same into consideration.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill entitled "An Act to authorize the Governor, Lieutenant Governor, or person administering the Government of this Province to treat with the holder of any Government Debenture heretofore issued for postponing the period of payment of the same and to authorize the loan of a further sum upon the security therein mentioned, to be applied towards the service of the present year," a Bill entitled "An Act to amend and make perpetual an Act passed in the fifty-ninth year of His late Majesty's reign, entitled 'An Act to repeal part of and amend the Laws now in force for laying out, amending and keeping in repair the Public Highways and Roads in this Province, and also to amend an Act passed in the fiftieth year of His late Majesty's reign, entitled "An Act to provide for the laying out, amending and keeping in repair the Public Highways and Roads in this Province, and to repeal the Laws now in force for that purpose," and a Bill entitled "An Act to authorize James Miles to convey to Trustees a Lot of Land for the purposes therein mentioned."

The deputation having withdrawn, the said Bills were read a first time, and on motion made and seconded ordered to be read a second time to-morrow.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill entitled "An Act to repeal part of an Act passed in the forty-fourth year of His late Majesty's reign, entitled, 'An Act to promulgate the Provincial Statutes and also to repeal so much of an Act passed in the forty-first year of the reign of His present Majesty as relates to printing the Journals, and to provide more adequate remuneration for printing annually the Statutes of this Province.'" The deputation having withdrawn, the said Bill was read a first time, and on motion made and seconded ordered to be read a second time to-morrow.

On motion made and seconded, ordered that so much of the order of the day as relates to the recommitment of the Bill entitled "An Act to make more ample provision for regulating the police of the Town of Kingston," and the Bill entitled "An Act for granting to His Majesty a sum of money for the purposes therein mentioned," be discharged.

On motion made and seconded, the House adjourned until to-morrow at 10 o'clock a.m.

Wednesday, 14th January, 1824.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell (Speaker), James Baby, William Dickson, Thomas Clark, George Crookshank, Reverend John Strachan, Angus Mackintosh, Joseph Wells, Duncan Cameron, George H. Markland.

Prayers were read.

Pursuant to the order of the day, the Bill entitled "An Act to amend and make permanent a certain Act of the Parliament of this Province passed in the fifty-ninth year of the reign of His late Majesty King George the Third, entitled 'An Act to repeal the several Laws now in force relative to levying and collecting rates and assessments in this Province, and further to provide for the more equal and general assessment of Lands and other ratable property throughout this Province,' and to render more effectual the several laws of this Province imposing rates and assessments by providing under certain restrictions for the levying of such rates and assessments by the sale of a portion of the lands on which the same are charged," was read a third time, and the question being put if the said Bill do now pass was carried in the affirmative, whereupon the Speaker signed the same and it was by the Master in Chancery carried down and returned to the Commons House of Assembly.

A deputation from the Commons House of Assembly being announced it was admitted, and brought up and delivered a message in the following words:—

Mr. Speaker,—The Commons House of Assembly have appointed a Committee to confer with a Committee of the Honorable the Legislative Council on the subject matter of the Bill entitled "An Act to repeal an Act passed in the forty-first year of His late Majesty's reign, entitled "An Act for granting to His Majesty, His Heirs, and Successors, to and for the uses of this Province, the like duties on Goods and Merchandise brought into this Province from the United States of America as are now paid on Goods and Merchandise imported from Great Britain and other places," and also an Act passed in the forty-third year of His late Majesty's reign, entitled "An Act to explain and amend an Act passed in the forty-first year of His Majesty's reign, entitled "An Act for granting to His Majesty, His Heirs, and Successors, to and for the uses of this Province, the

like duties on Goods and Merchandise brought into this Province from the United States of America as are now paid on Goods and Merchandise imported from Great Britain and other places,' and to provide more effectually for the collection and payment of duties on Goods and Merchandise coming from the United States of America into this Province, and also to establish a fund for the erection and repairing of Light Houses," and to make more effectual provision for the due collection of duties on goods imported into this Province."

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 12th January, 1824.

The deputation having withdrawn, the said message was read, and the Committee appointed to confer with the Commons House of Assembly upon the subject matter of the said Bill, reported: That it appeared to the Joint Committee of Conference that it would be expedient to provide some remuneration to the Commissioners of Customs to be appointed under the proposed Act, and it was not conceived that such a provision could be properly made by way of amendment in the Legislative Council to the Bill now before them, the Committee of Conference on the part of the House of Assembly would recommend to their House to pass a distinct Bill for effecting that object.

Pursuant to the order of the day, the Bill entitled "An Act to authorize the Governor, Lieutenant Governor or person administering the Government of this Province to treat with the holder of any Government Debenture heretofore issued for postponing the period of payment of the same and to authorize the loan of a further sum upon the security therein mentioned to be applied towards the services of the present year," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Baby in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that the said Bill be read a third time to-morrow.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up and delivered a message in the following words:—

Mr. Speaker,—The Commons House of Assembly have concurred in the recommendation of the Joint Committee of Conference on the subject matter of the Bill entitled "An Act to repeal an Act passed in the forty-first year of His late Majesty's reign, entitled 'An Act for granting to His Majesty, His Heirs, and Successors, to and for the uses of this Province, the like duties on Goods and Merchandise brought into this Province from the United States of America as are now paid on Goods and Merchandise imported from Great Britain and other places, and also an Act passed in the forty-third year of His late Majesty's reign, entitled An Act to explain and amend an Act passed in the forty-first year of His Majesty's reign, entitled "An Act for granting to His Majesty, His Heirs, and Successors, to and for the uses of this Province, the like duties on Goods and Merchandise brought into this Province from the United States of America as are now paid on Goods and Merchandise imported from Great Britain and other places," and to provide more effectually for the collection and payment of duties on Goods and Merchandise coming from the United States of America

into this Province, and also to establish a fund for the erection and repairing of Light Houses and to make more effectual provision for the due collection of duties on goods imported into this Province."

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 13th January, 1824.

The deputation having withdrawn, the said message was read.

Pursuant to the order of the day, the Bill entitled "An Act to amend and make perpetual An Act passed in the fifty-ninth year of His late Majesty's reign, entitled 'An Act to repeal part of and amend the Laws now in force for laying out, amending, and keeping in repair the public highways and roads in this Province,' and also to amend an Act passed in the fiftieth year of His late Majesty's reign, entitled 'An Act to provide for the laying out, amending, and keeping in repair the public highways and roads in this Province, and to repeal the laws now in force for that purpose,'" was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Dickson in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that the said Bill be read a third time to-morrow.

Dissentient.—To the Bill passed this day, entitled "An Act to amend and make permanent a certain Act of the Parliament of this Province passed in the fifty-ninth year of the reign of His late Majesty King George the Third, entitled 'An Act to repeal the several laws now in force relative to levying and collecting rates and assessments in this Province and further to provide for the more equal and general assessment of Lands and other ratable property throughout this Province and to render more effectual the several laws of this Province imposing rates and assessments by providing under certain restrictions for the levying such rates and assessments by the sale of a portion of the Lands on which the same are charged.

Because the temporary and provisional Act passed in the fifty-ninth year of His late Majesty King George the Third was limited in its duration to eight years, four of which have only expired, and experience has not verified and we cannot now anticipate the injurious and calamitous effects of its provisions, if made permanent and assented to by His Majesty.

Because when that temporary Act passed the two Houses of this local Legislature no strenuous opposition was made thereto, it being generally believed that such an Act could not receive the Royal Assent, being in our opinion in direct violation of a clause in the Royal Instructions to His Majesty's representative in this Province now on the table of this House, a transcript of which is in the following words, viz.: "You are to take especial care to reserve for the signification of our pleasure thereon such Bills which you shall consider to be of an extraordinary or unusual nature or requiring our especial consideration and decision thereon, particularly such as may affect the property, credit or dealings of such of our subjects as are not usually resident within our said Province."

Because His Majesty, in assenting to a temporary Act of this nature, gave thereby eight years to His faithful subjects to test by experience the effects of such an Act.

Because if this Bill should pass into a permanent Law, many of His Majesty's subjects in this Province, and many now resident in other parts of His Dominions,

will have cause to regret that a measure of so important a nature, and so fatal to their interests should be precipitated through the Legislature, and at the close of a session, without their knowledge or having an opportunity of being heard by counsel against it.

Because at the expiration of the eight years, that is four years hence, an enormous sum must be raised by distress and sale of land, not from a wish to evade but from a total inability to comply with the provisions of the law.

Because the application of the moneys raised, or supposed to be raised, for district municipal purposes out of the waste lands of the subject, whether in or out of the Province, is impolitic and ruinous to those who have embarked any capital therein and to those who have received from His Majesty land for long and meritorious services.

Because waste land is an unproductive property and ought not in sound policy to be a subject of taxation, by which it will have the direct effect of darkening at an early period any prospect of an aristocracy, and consequently the dignity and independence of the Legislative Council of this Province.

Because there is no discrimination in the value, quality, or locality of the waste land thus taxed.

(Signed) WILLIAM DICKSON.

(Signed) THOMAS CLARK.

Pursuant to the order of the day, the Bill entitled "An Act to authorize James Miles to convey to trustees a Lot of Land for the purposes therein mentioned," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Clark in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that the said Bill be read a third time to-morrow.

Pursuant to the order of the day, the Bill entitled "An Act to repeal part of an Act passed in the forty-fourth year of His late Majesty's reign, entitled 'An Act to promulgate the Provincial Statutes,' and also to repeal so much of an Act passed in the forty-first year of the reign of His present Majesty as relates to printing the Journals and to provide more adequate remuneration for printing annually the Statutes of this Province," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Crookshank in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that the said Bill be read a third time to-morrow.

On motion made and seconded the House resolved itself into a Committee of the Whole to take into further consideration the Bill entitled "An Act to enable the Presbyterian Congregation of York to purchase one or more parcels of ground sufficient for the erection of a Church and burying ground. House in Committee. Doctor Strachan in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill and recommended it to the adoption of the House.

Ordered that the report be accepted, and on motion made and seconded that the said Bill be read a third time to-morrow.

On motion made and seconded the House adjourned during pleasure. The House formed.

The Committee appointed to prepare jointly with the Committee of the Commons House of Assembly Addresses to His Majesty and to His Excellency the Lieutenant Governor respecting the Tobacco Trade of this Province, reported that they had done so, and had agreed to certain addresses which they submitted for the consideration of the House.

The said Addresses being read a first time, ordered, on motion made and seconded, that the House do on to-morrow resolve itself into a Committee of the Whole to take the same into consideration.

The Committee appointed to prepare jointly with the Committee of the Commons House of Assembly Addresses to His Majesty and to His Excellency the Lieutenant Governor relative to the importation of tea into this Province, reported that they had done so, and had agreed to certain addresses which they submitted for the consideration of the House. The said Addresses being read a first time, on motion made and seconded, ordered that the House do on to-morrow resolve itself into a Committee of the Whole to take the same into consideration.

The Committee appointed to prepare jointly with the Committee of the Commons House of Assembly Addresses to the King and to His Excellency the Lieutenant Governor respecting the Boundary line between this Province and the United States of America reported that they had done so, and had agreed to certain Addresses which they submitted for the consideration of the House. The said Addresses being read a first time, on motion made and seconded, ordered that the House do on to-morrow resolve itself into a Committee of the Whole to take the same into consideration.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into consideration the resolutions of the Commons House of Assembly on the subject of losses received yesterday. House in Committee. Mr. Clark in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said resolutions into consideration and recommended them to the adoption of the House. Ordered that the report be received, and on motion made and seconded a message in the following words, being signed by the Speaker, was by the Master in Chancery carried down and delivered to the Commons House of Assembly:

Mr. Speaker,—The Honorable the Legislative Council have concurred in the resolutions sent up from the Commons House of Assembly on the thirteenth instant and request a conference with the Commons House of Assembly to prepare an Address to his Excellency the Lieutenant Governor founded upon the said resolutions. The Legislative Council have appointed a Committee of two members, who will be ready to meet the Committee of the Commons House of Assembly in the Joint Committee Room at 11 o'clock a.m. to-morrow.

(Signed) WILLIAM DUMMER POWELL, Speaker.

Legislative Council Chamber, 14th January, 1824.

The Honorable Messieurs Strachan and Markland were appointed a Committee for that purpose.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up for the concurrence of this House a Bill entitled "An Act to compensate the services of the Commissioners of Customs," and a Bill entitled "An Act to prohibit Banks from carrying on Business in this Province that do not redeem their notes in specie within the same." The deputation having withdrawn, the said Bills were read a first time, and on motion made and seconded ordered to be read a second time to-morrow.

On motion made and seconded the House resolved itself into a Committee of the Whole to take into further consideration the Bill entitled "An Act to divide the County of Carleton, in the Bathurst District." House in Committee. Mr. Baby in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some further amendments to the Bill, which they recommended to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that the said amendments be engrossed and the Bill as amended read a third time to-morrow, to be the first thing on the order of the day.

On motion made and seconded, the Bill entitled "An Act to divide the County of Halton, in the Gore District," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Cameron in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress in the Bill and requested leave to sit again to-morrow. Ordered that the report be accepted and leave given.

On motion made and seconded the House adjourned until to-morrow at 11 o'clock a.m.

Thursday, 15th January, 1824.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell (Speaker), James Baby, Thomas Clark, George Crookshank, Reverend John Strachan, Angus Mackintosh, Joseph Wells, Duncan Cameron, George H. Markland.

Prayers were read.

Pursuant to the order of the day, the Bill entitled "An Act to divide the County of Carleton, in the Bathurst District," as amended; the Bill entitled "An Act to repeal part of an Act passed in the forty-fourth year of His Majesty's reign, entitled "An Act to promulgate the Provincial Statutes," and also to repeal so much of an Act passed in the forty-first year of the reign of His present Majesty as relates to printing the Journals and to provide more adequate remuneration for printing annually the Statutes of this Province," the Bill entitled "An Act to authorize James Miles to convey to Trustees a Lot of Land for the purposes therein mentioned," the Bill entitled, "An Act to amend and make perpetual an Act passed in the fifty-ninth year of His late Majesty's reign, entitled "An Act to repeal part of and amend the Laws now in force for laying out, amending, and keeping in repair the public highways and roads in this Province," and also to amend an Act passed in the fiftieth year of His late Majesty's reign, entitled "An Act to provide for the laying out amending and keeping in repair the public highways and roads in this Province," and to repeal the Laws now in force for that purpose," the Bill entitled "An Act to authorize the Governor, Lieutenant

Governor, or person administering the Government of this Province to treat with the holder of any Government Debenture heretofore issued for postponing the period of payment of the same, and to authorize the Loan of a further sum upon the security therein mentioned, to be applied towards the services of the present year," and the Bill entitled, "An Act to enable the Presbyterian Congregation of York to purchase one or more parcels of ground sufficient for the erection of a Church and Burying Ground," were read a third time; whereupon the question being put upon each Bill respectively if it do now pass was carried in the affirmative. The Speaker signed the said Bills and they were by the Master in Chancery carried down and returned to the Commons House of Assembly.

Pursuant to the order of the day, the Bill entitled "An Act to prohibit Banks from carrying on business in this Province that do not redeem their notes in specie within the same," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Crookshank in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress in the Bill and requested leave to sit again to-morrow. Ordered that the report be accepted and leave given accordingly.

Pursuant to the order of the day, the Bill entitled "An Act to compensate the services of the Commissioners of Customs was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Mackintosh in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that the said Bill be read a third time to-morrow.

On motion made and seconded ordered that so much of the order of the day as relates to the recommitment of the Bill entitled "An Act to divide the County of Halton, in the Gore District," be postponed.

A deputation from the Commons House of Assembly being announced, it was admitted and brought up for the concurrence of this House a Bill, entitled, "An Act to repeal an Ordinance of the late Province of Quebec made in the twenty-eighth year of His late Majesty's reign, entitled 'An Ordinance for promoting the Inland Navigation.'" The deputation having withdrawn, the said Bill was read a first time, and on motion made and seconded ordered to be read a second time to-morrow.

The said deputation also brought up and delivered a message in the following words:--

Mr. Speaker,—The Commons House of Assembly has appointed a Committee of four of its members to prepare jointly with the Committee of the Honorable the Legislative Council an Address to His Excellency the Lieutenant Governor founded on the resolutions sent up from this House on the 13th instant, who will be ready to meet the Committee of that Honorable House at the time and place appointed.

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 14th January, 1824.

The said message was read after the deputation had withdrawn.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into consideration the Addresses to the King and to His Excellency the Lieutenant Governor respecting the Tobacco Trade of this Province, the same having been read a second time. House in Committee. Mr. Cameron in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Addresses and recommended them to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that the said addresses be engrossed and read a third time to-morrow.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up and delivered the following messages, which were read after the deputation had withdrawn:—

Mr. Speaker,—The Commons House of Assembly has concurred in the Amendments made by the Honorable the Legislative Council in and to the Bill entitled “An Act to divide the County of Carleton, in the Bathurst District.”

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 15th January, 1824.

Mr. Speaker,—The Commons House of Assembly has adopted the recommendation of the Conference to concur in an Address to His Excellency founded on the joint Resolutions of the two Houses relating to the imposition of Duties at the Port of Quebec for the payment of losses.

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 15th January, 1824.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into consideration the joint addresses to His Majesty and His Excellency the Lieutenant Governor relative to the importation of tea in this Province, the same having been read a second time. House in Committee. Mr. Wells in the Chair.

The Speaker resumed the chair. The Chairman reported that the Committee had gone through the addresses and recommended them to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that the said addresses be engrossed and read a third time to-morrow.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into consideration the joint addresses to His Majesty and to His Excellency the Lieutenant Governor respecting the Boundary line between this Province and the United States of America, the same having been read a second time. House in Committee. Mr. Dickson in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the addresses and recommended them to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that the said addresses be engrossed and read a third time to-morrow.

The Committee appointed to prepare jointly with the Committee of the Commons House of Assembly a representation to His Majesty's Government founded upon the resolutions relative to the importation of Tea into this Province having submitted a report, ordered that the report be accepted.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into further consideration the Bill entitled "An Act granting to His Majesty a sum of money for the purposes therein mentioned." House in Committee. Doctor Strachan in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that the said Bill be read a third time to-morrow.

On motion made and seconded, the Bill entitled "An Act granting to His Majesty a sum of money to remunerate Allan McNabb, Esquire, Sergeant at Arms, for past services and to provide a pension for him during his natural life," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Clark in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress in the Bill and requested leave to sit again to-morrow. Ordered that the report be accepted and leave given accordingly.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up and delivered a message in the following words, which was read after the deputation had withdrawn:

Mr. Speaker,—The Commons House of Assembly has concurred in the report of the Joint Committee of Conference upon the subject of certain Resolutions respecting the importation of Tea into this Province.

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 15th January, 1824.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up and delivered the following messages:

Mr. Speaker,—The Commons House of Assembly has agreed to the amendments made by the Joint Committee of both Houses to the resolutions relative to the Tobacco Trade.

(Signed) LEVIUS P. SHERWOOD, Speaker

Commons House of Assembly, 15th January, 1824.

Mr. Speaker,—The Commons House of Assembly has concurred in the Joint Address to His Majesty on the Boundary line between this Province and the United States of America.

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 15th January, 1824.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into further consideration the Bill entitled "An Act to repeal an Act passed in the forty-first year of His late Majesty's reign, entitled 'An Act for granting to His Majesty, His Heirs, and Successors, to and for the uses of this Province, the like duties on Goods and Merchandise brought into this Province from the United States of America as are now paid on Goods and Merchandise imported from Great Britain and other places,' and also an Act passed in the

forty-third year of His late Majesty's reign, entitled 'An Act to explain and amend an Act passed in the forty-first year of His Majesty's reign, entitled "An Act for granting to His Majesty, His Heirs, and Successors, to and for the uses of this Province, the like duties on Goods and Merchandise brought into this Province from the United States of America as are now paid on Goods and Merchandise imported from Great Britain and other places," and to provide more effectually for the collection and payment of duties on Goods and Merchandise coming from the United States of America into this Province, and also to establish a fund for the erection and repairing of Light Houses, and to make more effectual provision for the due collection of duties on goods imported into this Province.'" House in Committee. Mr. Dickson in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that the said Bill be read a third time to-morrow.

On motion made and seconded the House adjourned until to-morrow at 12 o'clock noon.

Friday, 16th January, 1824.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell (Speaker), James Baby, William Dickson, Thomas Clark, Reverend John Strachan, Angus Mackintosh, Joseph Wells, Duncan Cameron, George H. Markland.

Prayers were read.

Pursuant to the order of the day, the Bill entitled "An Act to repeal an Act passed in the forty-first year of His late Majesty's reign, entitled 'An Act for granting to His Majesty, His Heirs, and Successors, to and for the Uses of this Province, the like duties on Goods and Merchandise brought into this Province from the United States of America as are now paid on Goods and Merchandise imported from Great Britain and other places,' and also an Act passed in the forty-third year of His late Majesty's reign, entitled "An Act to explain and amend an Act passed in the forty-first year of His Majesty's reign, entitled "An Act for granting to His Majesty, His Heirs, and Successors, to and for the uses of this Province, the like duties on Goods and Merchandise brought into this Province from the United States of America, as are now paid on Goods and Merchandise imported from Great Britain and other places," and to provide more effectually for the collection and payment of duties on Goods and Merchandise coming from the United States of America into this Province, and also to establish a fund for the erection and repairing of Light Houses and to make more effectual provision for the due collection of duties on goods imported into this Province." The Bill entitled "An Act to compensate the services of the Commissioners of Customs," and the Bill entitled "An Act granting to His Majesty a sum of money for the purposes therein mentioned," were read a third time, and the question being put upon each Bill respectively, if it do now pass, it was carried in the affirmative, whereupon the Speaker signed the said Bills and they were by the Master in Chancery carried down and returned to the Commons House of Assembly.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up and delivered at the Bar of this House the following message and resolution:

Mr. Speaker,—The Commons House of Assembly communicated to the Honorable the Legislative Council a resolution passed this day in which the concurrence of that honorable body is requested.

(Signed) LEVIUS P. SHERWOOD, Speaker.

House of Assembly, 15th January, 1824.

Resolved, That if the Legislative Council concur therein, a joint address be presented to His Majesty to convey to His Majesty the humble and dutiful expression of our gratitude for His Majesty's most gracious and benevolent consideration for the sufferers from the late war in ordering the sum of £57,000 to be distributed for their relief, also to express our humble hope that His Majesty will view the measures adopted by us for their further indemnity as the only alternative within our power, and that His Majesty would be graciously pleased to continue his most gracious protection to this deserving class of His Majesty's subjects.

(Signed) G. POWELL, Clerk Assy.

Truly extracted from the Minutes—15th January, 1824.

The deputation having withdrawn, the said message and resolution were read, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Markland in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee recommended the said resolution to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded a message in the following words, being signed by the Speaker, was by the Master in Chancery carried down and delivered to the Commons House of Assembly:

Mr. Speaker,—The Honorable the Legislative Council have concurred in the resolutions sent up this day from the Commons House of Assembly and have appointed a Committee of two members who will be ready to meet the Committee of the Commons House of Assembly in the Joint Committee Room at 3 o'clock p.m. this day for the purpose of preparing a joint address to His Majesty founded thereon.

(Signed) WILLIAM DUMMER POWELL, Speaker.

Legislative Council Chamber, 15th January, 1824.

The Honorable Messieurs Baby and Clark were appointed a Committee for that purpose.

On motion made and seconded, the House adjourned during pleasure. The House formed.

Pursuant to the order of the day, the joint Addresses to His Majesty and to His Excellency the Lieutenant Governor relative to the importation of tea into this Province were read a third time, and on motion made and seconded the said Addresses, being signed by the Speaker, were by the Master in Chancery carried down to the Commons House of Assembly.

A deputation from the Commons House of Assembly being announced, it was admitted and brought up and returned the joint Addresses to His Majesty and to His Excellency the Lieutenant Governor relative to the importation of tea into His Province, in which the House had concurred.

The Committee appointed to confer with the Committee of the Commons House of Assembly for the purpose of preparing an Address to His Majesty founded upon the resolution this day communicated to this House for its concurrence, reported that they had met the Committee of the Commons House of Assembly, and that the form of an Address to His Majesty, and also of an Address to His Excellency the Lieutenant Governor, praying him to transmit the same, had been agreed by the Joint Committee, which they respectfully recommended for the consideration of the House. The said Addresses being read a first time, on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Clark in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Addresses and recommended them to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that the said Addresses be engrossed and read a third time to-morrow.

The Committee appointed to confer with the Committee of the Commons House of Assembly on matters concerning the Library, respectfully submitted the following report, which they recommended to the adoption of the House:

“The Joint Committee of Conference appointed to examine into the state of the Library, having met in the Joint Committee Room, agreed to recommend to their respective Houses that the sum of two hundred pounds should be placed at the disposal of His Excellency the Lieutenant Governor for the purpose of completing the present sets of the ‘Statutes at Large, Annual Register, Parliamentary Debates, Quarterly Review, Edinburgh Review, and to procure a second sett of the Statutes at Large,’ and the latest edition of Burn’s Justice.

“Several books are missing from the Library, but as it is supposed that they are in the possession of gentlemen connected with the Legislature it is probable that they will be speedily returned. The Committee considered the propriety of recommending the appointment of a permanent Librarian, with an increased salary, whose duty it should be to remain constantly in the chamber where the books are placed during the Session of the Legislature, being perfectly satisfied that without the appointment of such an officer no regularity can be expected to be preserved in the Library. Under existing circumstances, however, the Committee consider that it might be deemed advisable to delay the measure until a future Session.

“The Committee also consider that the appropriation of a sum of money annually for the purpose of making additions to the present collection of books is most desirable, but the same reasons which restrain their recommending the immediate appointment of a Librarian induces them not to press this subject on the consideration of their respective Houses.”

On motion made and seconded, the House resolved itself into a Committee of the Whole to take the said report into consideration. House in Committee. Mr. Markland in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said report into consideration and recommended it to the adoption of the House. Ordered that the report be accepted.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into further consideration the Bill entitled “An Act granting to His Majesty a sum of money to remunerate Allan McNabb, Esquire, Sergeant at Arms, for past services and to provide a pension for him during his natural life. House in Committee, Mr. Clark in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some further progress in the said Bill and recommended that a conference be requested with the Commons House of Assembly on the subject matter thereof. Ordered that the report be accepted.

A deputation from the Commons House of Assembly being announced, it was admitted and brought up and delivered the following messages, which were read after the deputation had withdrawn:

Mr. Speaker,—The Commons House of Assembly has acceded to the request of the Honorable the Legislative Council for a Joint Committee to draft an Address to His Majesty, and has appointed the same, who will be ready to meet the Committee of that Honorable House for that purpose at the time and place appointed.

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 16th January, 1824.

Mr. Speaker,—The Commons House of Assembly has concurred in the report of the Committee of Conference on the subject of an Address to His Majesty relative to the sufferers by the late war.

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 16th January, 1824.

On motion made and seconded, the Bill entitled "An Act to continue for a limited time an Act passed in the second year of His Majesty's reign, entitled 'An Act to make provision for the improvement of the Internal Navigation of this Province, as amended by an Act passed in the third year of His Majesty's reign, entitled 'An Act to make provision for the improvement of the Internal Navigation of this Province (except so much thereof as is thereby repealed) and to grant a further sum of money for such improvement,'" was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Wells in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that the said Bill be read a third time to-morrow.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into further consideration the Bill entitled "An Act to make more ample provision for regulating the police of the Town of Kingston." House in Committee. Mr. Dickson in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill and had made some amendments thereto, which they recommended to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded the said amendments were read, ordered to be engrossed and the Bill as amended read a third time to-morrow.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into further consideration the Bill entitled "An Act to divide the County of Halton, in the Gore District." House in Committee. Mr. Cameron in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some further progress in the said Bill, and requested leave to sit again this day three months. Ordered that the report be accepted.

On motion made and seconded the House adjourned until to-morrow at 11 o'clock a.m.

Saturday, 17th January, 1824.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell (Speaker), James Baby, William Dickson, Thomas Clark, Reverend John Strachan, Angus Mackintosh, Joseph Wells, Duncan Cameron, George H. Markland.

Prayers were read.

On motion made and seconded, the several Addresses to His Majesty and to His Excellency the Lieutenant Governor, respecting the Tobacco Trade of this Province, the Boundary line between this Province and the United States of America, the Sufferers during the late War, and also the Address to His Excellency the Lieutenant Governor founded on the joint resolutions of the two Houses relating to the imposition of duties at the Port of Quebec for the payment of losses, was read a third time, and the question being put upon each respectively, if it do now pass, it was carried in the affirmative, whereupon the Speaker signed the said Addresses and they were by the Master in Chancery carried down to the Commons House of Assembly.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up and returned the several Addresses this day communicated by this House in which the Commons House of Assembly had concurred.

Pursuant to the order of the day, the Bill entitled "An Act to make more ample provision for regulating the Police of the Town of Kingston," as amended, and the Bill entitled "An Act to continue for a limited time an Act passed in the second year of His Majesty's reign, entitled 'An Act to make provision for the improvement of the Internal Navigation of this Province, as amended by an Act passed in the third year of His Majesty's reign entitled 'An Act to amend and extend the provisions of an Act passed in the second year of His Majesty's reign, entitled 'An Act to make provision for the Improvement of the Internal Navigation of this Province (except so much thereof as is thereby repealed) and to grant a further sum of money for such improvement,'" were read a third time, and the question being put upon each Bill respectively, if it do now pass, it was carried in the affirmative, whereupon the Speaker signed the said amendments and Bill, and the said Bills with the amendments were by the Master in Chancery carried down and returned to the Commons House of Assembly.

The following messages being signed by the Speaker, were by the Master in Chancery carried down and delivered to the Commons House of Assembly:

Mr. Speaker,—The Honorable the Legislative Council have concurred in the report of the Joint Committee of Conference on the subject of the State of the Library.

(Signed) WILLIAM DUMMER POWELL, Speaker.

Legislative Council Chamber, 16th January, 1824.

Mr. Speaker,—The Honorable the Legislative Council request a conference with the Commons House of Assembly on the subject matter of the Bill entitled

"An Act granting to His Majesty a sum of money to remunerate Allan McNabb, Esquire, Sergeant at Arms, for past services and to provide a pension for him during his natural life," and have appointed a Committee of two members, who are now ready to meet the Committee of the Commons House of Assembly in the Joint Committee Room.

(Signed) WILLIAM DUMMER POWELL, Speaker.

Legislative Council Chamber, 17th January, 1824.

On motion made and seconded, the Bill entitled "An Act to repeal an Ordinance of the late Province of Quebec made in the twenty-eighth year of His late Majesty's reign, entitled 'An Ordinance for promoting the Inland Navigation,'" was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Mackintosh in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill and recommended it to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded the said Bill was read a third time, and the question being put if the Bill do now pass, it was carried in the affirmative, whereupon the Speaker signed the same and it was by the Master in Chancery carried down and returned to the Commons House of Assembly.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole to take into further consideration the Bill entitled "An Act to prohibit Banks from carrying on business in this Province that do not redeem their notes in specie within the same." House in Committee. Mr. Cameron in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill and had made an amendment thereto which they recommended to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded that the said amendment be engrossed and the Bill as amended read a third time this day.

A deputation from the Commons House of Assembly being announced, it was admitted and brought up a message in the following words:

Mr. Speaker,—The Commons House of Assembly has concurred in the request of the Honorable the Legislative Council for a Conference on the Bill entitled "An Act granting to His Majesty a sum of Money to remunerate Allan McNabb, Esquire, Sergeant at Arms, for past services and to provide a pension for him during his natural life," and has appointed a Committee of four of its members who will be ready to meet the Committee of the Honourable the Legislative Council at the time and place appointed.

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 17th January, 1824.

The deputation having withdrawn, the said message was read, and the Committee appointed to confer with the Committee of the Commons House of Assembly upon the subject matter of the said Bill reported that they had done so.

A message in the following words being signed by the Speaker was by the Master in Chancery carried down and delivered to the Commons House of Assembly:

Mr. Speaker,—The Honorable the Legislative Council have appointed a Committee of two members who are now ready to wait upon His Excellency the Lieutenant Governor to know when he will be pleased to receive the joint Addresses of the two Houses of the Provincial Legislature on various subjects.

(Signed) WILLIAM DUMMER POWELL, Speaker.

Legislative Council Chamber, 17th January, 1824.

The Honorable Messieurs Cameron and Markland were appointed a Committee for that purpose.

On motion made and seconded, the House resolved itself into a Committee of the Whole to take into consideration the amendments made by the Commons House of Assembly in and to the Bill entitled "An Act to make further provision for settling the affairs of the pretended Bank of Upper Canada." House in Committee. Mr. Wells in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had taken the said amendments into consideration and recommended them to the adoption of the House. Ordered that the report be accepted, and on motion made and seconded the Honorable Messieurs Baby and Strachan being appointed a Committee for that purpose a message in the following words being signed by the Speaker was by the Master in Chancery carried down and delivered to the Commons House of Assembly:

Mr. Speaker,—The Honorable the Legislative Council request a conference with the Commons House of Assembly upon the subject matter of the amendments made by that House in and to the Bill entitled "An Act to make further provision for settling the affairs of the pretended Bank of Upper Canada," and have appointed a Committee of two members who are now ready to meet the Committee of the Commons House of Assembly in the Joint Committee Room.

(Signed) WILLIAM DUMMER POWELL, Speaker.

Legislative Council Chamber, 17th January, 1824.

A deputation from the Commons House of Assembly being announced, it was admitted, and brought up and delivered the following messages:

Mr. Speaker,—The Commons House of Assembly has concurred in the amendments made by the Honorable the Legislative Council in and to the Bill entitled "An Act to make more ample provision for regulating the Police of the Town of Kingston."

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 17th January, 1824.

Mr. Speaker,—The Commons House of Assembly have appointed a Committee of four members who are ready to wait with the Committee of the Honorable the Legislative Council upon His Excellency the Lieutenant Governor to know when he will be pleased to receive the joint Addresses of the two Houses of the Provincial Legislature on various subjects.

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 17th January, 1824.

The deputation having withdrawn, the said messages were read.

A deputation from the Commons House of Assembly being announced, it was admitted and brought up for the concurrence of this House a Bill entitled "An Act to provide a pension for Allan McNabb, Esquire, Sergeant at Arms." The deputation having withdrawn, the Bill was read a first time, and on motion made and seconded, the said Bill being read a second time, the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Wells in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had made some progress in the Bill and requested leave to sit again. Ordered that the report be accepted and leave given accordingly.

A deputation from the Commons House of Assembly being announced, it was admitted and brought up and delivered the following message:

Mr. Speaker,—The Commons House of Assembly has appointed a Committee of four of its members to confer with the Committee of the Honorable the Legislative Council on the subject matter of the amendments made in and to the Bill entitled "An Act to make further provision for settling the affairs of the pretended Bank of Upper Canada," who will meet the Committee of that Honorable House at the time and place appointed.

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 17th January, 1824.

The deputation having withdrawn, the said message was read. And the Committee appointed to confer with the Committee of the Commons House of Assembly upon the subject matter of the said amendments reported that they had done so, whereupon on motion made and seconded the said Bill as amended was read a third time, and the question being put if the amendments do now pass it was carried in the affirmative and the Speaker signed the same.

A message in the following words being signed by the Speaker was by the Master in Chancery carried down and delivered to the Commons House of Assembly:

Mr. Speaker,—The Honorable the Legislative Council have agreed to the amendments made by the Commons House of Assembly in and to the Bill entitled "An Act to make further provision for settling the affairs of the late pretended Bank of Upper Canada."

(Signed) WILLIAM DUMMER POWELL, Speaker.

Legislative Council Chamber, 17th January, 1824.

The Committee appointed to wait upon His Excellency the Lieutenant Governor to know when he would be pleased to receive the joint addresses of both Houses on various subjects, reported that they had done so, and that His Excellency had appointed 12 o'clock noon on Monday next for that purpose.

Pursuant to the order of the day, the Bill entitled "An Act to prohibit banks from carrying on business in this Province that do not redeem their notes in specie within the same," was read a third time as amended, and the question being put if the said Bill do now pass it was carried in the affirmative. Whereupon the Speaker signed the amendments, and the said Bill and the amendments were by the Master in Chancery carried down to the Commons House of Assembly.

On motion made and seconded, the Bill entitled "An Act to repeal part of the sixth clause of an Act passed in the second year of His Majesty's reign, Chapter Third, and also part of the twenty-third clause of an Act passed in the thirty-eighth year of His late Majesty's reign, entitled 'An Act for the better division of the Province,' and to provide for the better division of the District of Newcastle," was read a second time, and on motion made and seconded the House resolved itself into a Committee of the Whole to take the same into consideration. House in Committee. Mr. Clark in the Chair.

The Speaker resumed the Chair. The Chairman reported that the Committee had gone through the Bill and requested leave to sit again this day three weeks. Ordered that the report be accepted and leave given accordingly.

On motion made and seconded the House adjourned until Monday next at 11 o'clock a.m.

Monday, 19th January, 1824.

The House met pursuant to adjournment.

Present: The Hons. William Dummer Powell (Speaker), James Baby, William Dickson, George Crookshank, Reverend John Strachan, Angus Mackintosh, Joseph Wells, Duncan Cameron, George H. Markland, John Henry Dunn.

Prayers were read.

At 12 o'clock the Speaker, members and officers of both Houses proceeded to wait upon His Excellency the Lieutenant Governor to present the several Addresses which had passed the two Houses, which were delivered as follows:—

To His Excellency Sir Peregrine Maitland, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding His Majesty's Forces therein, etc., etc., etc.

May it Please Your Excellency,—The Legislative Council and House of Assembly, in Provincial Parliament assembled, have concurred in a report with certain documents annexed thereto and agreed on a Joint Address to His Majesty praying that our Most Gracious Sovereign in consideration of the circumstances which render it impossible for them to prevent the Clandestine introduction of the Article of Tea into this Province from the United States of America, would be pleased to recommend to the Imperial Parliament such measures as His Majesty may in his wisdom deem not likely to afford a remedy so important to the welfare of His Majesty's subjects in this Colony. They therefore entreat that Your Excellency will be pleased to cause their Address to His Majesty with their report to be laid at the foot of the Throne.

(Signed) WILLIAM DUMMER POWELL, Speaker.

Legislative Council Chamber, 16th January, 1824.

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 16th January, 1824.

To the King's Most Excellent Majesty,—We, your Majesty's dutiful and loyal subjects, the Legislative Council and Commons of Upper Canada, in Provincial Parliament assembled, humbly beg leave to represent to Your Majesty that by the Laws of the Empire Your Majesty's subjects in Upper Canada are prohibited

from procuring the Article of Tea, which is in very general use among them, by any other means than by importation from Great Britain.

Your Majesty's petitioners are fully aware that this restriction does not apply particularly to Canada, but that it is a regulation of trade which extends to all Your Majesty's Dominions, and is in fact an express condition in the Charter granted by Parliament to the Honorable East India Company, with a just regard, as your Petitioners are convinced, to the interests of the Empire and the claims of that great commercial body.

Your Majesty's Petitioners do, therefore, neither complain of this restriction as a grievance nor presume to pray that it may be relaxed in their favor upon the unreasonable expectation that as a matter of indulgence that can be conceded to them, which is withheld from their fellow subjects in other parts of the Empire, but they humbly and earnestly entreat Your Majesty's attention to their representation, that from circumstances wholly beyond their power to control, the laws which are intended to confine their trade in tea to importations from Great Britain cannot be enforced. That their supplies of that article, which is in truth one of general and almost necessary consumption, instead of being furnished by the fair trade in the course of legal commerce, are clandestinely introduced from the adjoining States of America which lie contiguous to Upper Canada along the whole extent of its southern boundary—that this illicit intercourse to which the comparatively low price of teas thus supplied furnish the strongest temptation, and against which the position and circumstances of the country render it impossible to guard, wholly defeats the hope of any advantage to the East India Company and to the shipping interest of Great Britain or her Colonies from the present restriction, while it is injurious to the fair trader, extremely detrimental to the public revenue, and pernicious to the morals of the people.

Your Majesty's petitioners are fully convinced, both from reason and experience, that these evils must continue to exist until some means are taken by the Honorable East India Company, or with their consent, to counteract them, and in a report which they beg leave to lay before Your Majesty they have ventured with humble deference to suggest such measures as appear to them most likely to afford an effectual remedy.

Your Majesty's Petitioners have endeavoured in their report to state fully the circumstances which compel them thus respectfully to solicit Your Majesty's attention to a subject of much importance to the welfare of Your Majesty's subjects in this Colony. They have desired to anticipate the probable difficulties as well as the benefits of the several measures they have presumed to propose to Your Majesty's consideration, and to furnish such information as it is in their power to afford, and they rely with just confidence in the wisdom and goodness of Your Majesty to recommend to the Imperial Parliament such provision for the removal of the evils represented as to Your Majesty may seem meet.

(Signed) WILLIAM DUMMER POWELL, Speaker.

Legislative Council, 16th January, 1824.

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 16th January, 1824.

To which His Excellency was pleased to make the following reply:—

Honorable Gentlemen and Gentlemen,—I shall, in compliance with your request, take an early opportunity of forwarding to His Majesty's Principal Secretary of State for the Colonies your Joint Address to the King and the accompanying report, in order that they may be submitted to His Majesty.

To His Excellency Sir Peregrine Maitland, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada and Major General commanding His Majesty's Forces therein, etc., etc., etc.

May it Please Your Excellency,—The Legislative Council and House of Assembly, in Provincial Parliament assembled, have concurred in certain resolutions respecting the Culture of Tobacco, in the Western Districts of this Province, and have concurred in a Joint Address to His Majesty praying that our most gracious Sovereign, in consideration of the difficulties and expense of transporting that article to Great Britain, would be pleased to recommend such abatement in the excise duty imposed upon tobacco produced in Upper Canada as to His Majesty may seem meet.

They therefore entreat that Your Excellency will be pleased to cause their address to His Majesty and Resolutions to be laid at the foot of the Throne.

(Signed) WILLIAM DUMMER POWELL, Speaker.

Legislative Council Chamber, 17th January, 1824.

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 17th January, 1824.

To the King's Most Excellent Majesty, Most Gracious Sovereign,—We, Your Majesty's dutiful and loyal subjects the Legislative Council and Commons of Upper Canada, in Provincial Parliament assembled, humbly beg leave to represent:

That the Western Districts of Upper Canada, though highly favored in regard to climate and soil, are from their remote situation and the consequent difficulty and expense of transporting their Bread Stuffs and other principal productions to market, subject to great disadvantages in comparison with the other portions of the Province.

That these disadvantages, increasing greatly the inconvenience and loss resulting from the uncertainty of a profitable market for those staples, have necessarily occasioned a depreciation in their value and have checked the agricultural and commercial prosperity of those particular sections of the Province.

That actual experiment has proved that the climate and soil of the Western Districts are generally well adapted to the Culture of Tobacco, which being an article of greater value in proportion to its bulk than the ordinary productions of the Province and consequently better able to bear the charge of transportation to market, would be cultivated extensively by the inhabitants of those districts, if they were encouraged by the certainty of a remunerative price.

That it has been satisfactorily ascertained that the Tobacco of Upper Canada, from its being cultivated by a free instead of slave population, from its less easy access to market, and from other causes, cannot be introduced into Great Britain so as to compete with the same article imported from the United States of America, if both are admitted for consumption upon the same terms; but Your Majesty's petitioners have good reason to believe that if an abatement, inconsiderable in

proportion, were made in the excise duty imposed in Great Britain upon tobacco produced in Upper Canada when taken out of the warehouse for consumption, it would lead to its general cultivation in the Western District of this Province.

Your Majesty's Petitioners beg leave respectfully to represent to Your Majesty that such a measure on the part of the parent State would induce the rapid population of those remote sections of Upper Canada which require some peculiar advantage to compensate for their distance from market; that it would add most materially to the strength and value of the colony by the introduction of capital and impulse it would afford to general improvement, and that it would necessarily tend to enable a much greater portion of its inhabitants to become profitable consumers of the manufactures of Great Britain.

Your Majesty's Petitioners are encouraged in these considerations to indulge the hope that an expectation which Your Majesty's subjects have ventured to form of a benefit which must be attended with such important results, will by Your Majesty's gracious intercession be happily realized.

(Signed) WILLIAM DUMMER POWELL, Speaker,
Legislative Council, 17th January, 1824.

(Signed) LEVIUS P. SHERWOOD, Speaker.
Commons House of Assembly, 17th January, 1824.

To which His Excellency was pleased to make the following reply:

Honorable Gentlemen and Gentlemen,—I shall not fail to transmit to the proper Department of His Majesty's Government your Joint Address to the King and your resolutions respecting the Culture of Tobacco in the Western Districts of this Province.

To His Excellency Sir Perigrine Maitland, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding His Majesty's Forces therein, etc., etc., etc.

May it Please Your Excellency,—The Legislative Council and House of Assembly in Provincial Parliament assembled have agreed in a Joint Address to His Majesty praying that our most Gracious Sovereign would be pleased to take into consideration the unhappy situation in which His Majesty's subjects of this Province are placed by the award of the Commissioners for ascertaining the boundary line between Upper Canada and the United States of America, which renders it impossible for them to transport their principal exports to the sea without passing through the territory of a foreign Power, and to beseech His Majesty to direct the attention of His Majesty's Ministers during the negotiation said to be pending to such measures as may effectually secure the present and future interests of His Majesty's Canadian subjects.

They therefore entreat that Your Excellency will be pleased to cause their Address to His Majesty to be laid at the foot of the Throne.

(Signed) WILLIAM DUMMER POWELL, Speaker.
Legislative Council Chamber, 17th January, 1824.

(Signed) LEVIUS P. SHERWOOD, Speaker.
Commons House of Assembly, 17th January, 1824.

To the King's Most Excellent Majesty, Most Gracious Sovereign,—We, Your Majesty's dutiful and loyal subjects the Legislative Council and House of Assembly of the Province of Upper Canada, in Provincial Parliament assembled, most humbly beg leave to approach Your Majesty's Royal person and to submit to Your Majesty our humble representations on matters deeply affecting the interests of Your Majesty's faithful subjects inhabiting the Provinces of Canada.

We, with all humility, represent to Your Majesty that in the year 1822 a public instrument issued from the Department of State of the United States of America, as the award of the Commissioners under the Treaty of Ghent for ascertaining the boundary line between Upper Canada and the said United States, by which an island called Barnhart's Island, which from the Conquest and Cession of Canada has been occupied by Your Majesty's subjects and under Your Majesty's Dominion, was declared to be a part of and within the territory of the United States, and that in conformity to that Declaration the State of New York has exercised jurisdiction by executing legal process therein.

We also, with humility, represent to Your Majesty that Barnhart's Island approaches to within an hundred and thirty yards of the Canadian shore, and that by its relinquishment the United States of America have obtained possession of all the Navigable Channels of the Saint Lawrence in that portion of its course, and that Your Majesty's faithful subjects have been cut off from all communication by water with Lower Canada unless by passing through the territories of a Foreign Power.

We are at a loss, may it please Your Majesty, to conceive upon what grounds a decision could have been made which was to confine thereafter to one nation the only navigable channels of one of the noblest rivers in the world, whose waters where they form the boundary had hitherto afforded equal advantages in navigation to both, but it is nevertheless true that the boundary that has been assented to includes within the territories of the United States the only deep and safe channel in that part of the river, and that it is wholly impracticable for rafts of timber, staves, and other lumber, which now are among the principal exports of Upper Canada, to descend to the only markets which are open to them by the shallow, dangerous, and intricate channel on the north side of Barnhart's Island, even where it is ceded exclusively to Your Majesty.

We will not, may it please Your Majesty, weaken our representation or incur the hazard of committing injustice by ascribing motives to Your Majesty's Commissioners, but we feel ourselves impelled to declare that no person acquainted with the localities of the island ceded, and impressed as we are with the importance in a national point of view of those advantages of which its cession will deprive us, could have failed to insist on its being retained by Your Majesty.

While suffering from this unfortunate error on the part of Your Majesty's Commissioners our anxieties have been again awakened by having seen a message sent by the President to the Congress of the United States, an intimation that a negotiation is now pending between that Government and Your Majesty for procuring for its subjects the free navigation of the River Saint Lawrence to the ocean.

We entreat Your Majesty to believe that we would not intentionally offend Your Majesty by obtruding our forebodings of the unhappy consequences which in our opinion would flow from the recognition of this claim, but our feelings and interests are too deeply involved in the result to permit us to withhold from Your Majesty the apprehensions we entertain.

We fear, most Gracious Sovereign, that the admission of the subjects of the United States to the free navigation of the River Saint Lawrence to the ocean would be most ruinous to British interests, would endanger our connection with Your Majesty's Empire, would injure to an incalculable extent our Commerce and revenues, and would by admitting a direct trade under a foreign flag not allowed to British subjects facilitate the illicit introduction of foreign merchandise, and afford to the subjects of a foreign state advantages not enjoyed by Your Majesty's Canadian subjects, for which the restitution of Barnhart's Island and the free navigation of the South Channel of the Saint Lawrence, valuable as we admit those objects to be, and particularly interesting as they are to ourselves, would not in our opinion be an adequate compensation.

We, therefore, most humbly and earnestly implore Your Majesty to take these, our humble representations, into Your Majesty's most gracious consideration, and beseech Your Majesty to direct the attention of Your Majesty's Ministers during the negotiations said to be depending to such measures as may effectually secure the present and future interests of Your Majesty's Canadian subjects.

(Signed) WILLIAM DUMMER POWELL, Speaker.

Legislative Council, 16th January, 1824.

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 17th January, 1824.

To which His Excellency was pleased to make the following reply:

Honorable Gentlemen and Gentlemen,—I will on the earliest occasion take the proper means for causing your Joint Address to His Majesty relative to the Boundary line between this Province and the United States of America to be laid at the foot of the Throne.

To His Excellency Sir Peregrine Maitland, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding His Majesty's Forces therein, etc., etc., etc.

May it Please Your Excellency,—We, His Majesty's dutiful and loyal subjects the Legislative Council and Commons House of Assembly of the Province of Upper Canada, in Provincial Parliament assembled, have agreed on an humble address to His Majesty to convey to His Majesty the humble and dutiful expression of our gratitude for His Majesty's most gracious and benevolent consideration for the sufferers from the late war as evinced in the munificent donation of the sum of £57,000, directed by His Majesty to be distributed among them, also to express our humble hope that His Majesty will view the measures we have adopted for their future indemnity as the most expedient, and as a proof of our readiness to comply with His Majesty's gracious intimation respecting them. Also humbly to entreat the continuance of His Majesty's most gracious protection to this most deserving class of His Majesty's subjects.

Which address we pray Your Excellency to transmit with our humble duty to be laid at His Majesty's feet.

(Signed) WILLIAM DUMMER POWELL, Speaker.

Legislative Council Chamber, 17th January, 1824.

(Signed) LEVIUS P. SHERWOOD, Speaker,

Commons House of Assembly, 17th January, 1824.

To the King's Most Excellent Majesty, Most Gracious Sovereign,—We, Your Majesty's dutiful and loyal subjects the Legislative Council and Commons of Upper Canada, in Provincial Parliament assembled, most humbly beg leave to convey to Your Majesty the humble and dutiful expression of our gratitude for the gracious and benevolent consideration which Your Majesty has given to the claims of the sufferers from the late war, as evinced in the munificent donation of the sum of Fifty-seven thousand pounds sterling, directed by Your Majesty to be distributed among them.

We also beg leave to express our humble hope that Your Majesty will view the measures we have adopted for their further indemnity as the most expedient, and as a proof of our readiness to comply with Your Majesty's most gracious intimation respecting them as far as our means will admit.

We further most humbly entreat Your Majesty to continue your most gracious protection to this deserving class of Your Majesty's subjects.

(Signed) WILLIAM DUMMER POWELL, Speaker.

Legislative Council, 17th January, 1824.

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 17th January, 1824.

To which His Excellency was pleased to make the following reply:—

Honorable Gentlemen and Gentlemen,—I shall with much pleasure transmit to Earl Bathurst your Joint Address to the King, expressive of your gratitude for His Majesty's benevolent consideration for the sufferers from the late war.

To His Excellency Sir Peregrine Maitland, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding His Majesty's Forces therein, etc., etc., etc.

May it Please Your Excellency,—The Legislative Council and House of Assembly have concurred in certain resolutions respecting further indemnity to the inhabitants of this Province who suffered by the late war with the United States of America, and humbly pray Your Excellency to transmit the said resolutions to His Majesty's Government and to forward a copy of the same to His Excellency the Governor in Chief in order that they may be submitted by His Excellency to the consideration of the Legislature of Lower Canada now in Session.

(Signed) WILLIAM DUMMER POWELL, Speaker.

Legislative Council Chamber, 17th January, 1824.

(Signed) LEVIUS P. SHERWOOD, Speaker.

Commons House of Assembly, 17th January, 1824.

To which His Excellency was pleased to make the following reply:

Honorable Gentlemen and Gentlemen,—I shall take an early opportunity of transmitting to His Majesty's Government your joint resolutions respecting further indemnity to the inhabitants of this Province who suffered by the late war, and I shall lose no time in forwarding the same to His Excellency the Governor in Chief.

The Speaker, Members and Officers of the House being returned to the Council Chamber, the House formed.

The Speaker informed the House that he had copies of His Excellency's answers to the several addresses, which he read and they were again read by the Clerk.

The Committee appointed at the close of the last Session of the Provincial Parliament to make during the recess such improvement as they might think proper in the furnishing the Legislative Council Chamber, and to import for the use of the House an Edition of the Statutes at Large, reported that they had made some progress therein.

On motion made and seconded the House adjourned during pleasure. The House formed.

At 3 o'clock p.m. His Excellency the Lieutenant Governor being come to the House and seated on the Throne, the Gentleman Usher of the Black Rod was ordered to direct the immediate attendance of the Speaker, Members and Officers of the House of Assembly at the Bar of this House, and they being come thereto His Excellency was pleased in His Majesty's name to assent to the following Bills:

1. An Act to alter, amend and repeal part of an Act passed in the fourth year of His Majesty's reign, entitled "An Act to provide for the erection of a Gaol and Court House in and for the Home District."

2. An Act to divide the County of Carleton, in the Bathurst District.

3. An Act for the Relief of John Putman Clement.

4. An Act for the relief of Hiram Spafford.

5. An Act further to continue an Act passed in the thirty-third year of His Majesty's reign, entitled "An Act to provide for the appointment of Returning Officers of the several Counties within this Province."

6. An Act to repeal part of, continue, and amend the laws now in force imposing a duty on Licenses to Innkeepers within this Province.

7. An Act further to regulate by Law the Commercial Intercourse of the Province of Upper Canada with the United States of America.

8. An Act to incorporate certain persons therein mentioned under the Style and Title of the Welland Canal Company.

9. An Act to repeal part of and amend an Act passed in the fiftieth year of His late Majesty's reign, entitled "An Act to provide for the laying out, amending, and keeping in repair the public highways and roads in this Province, and to repeal the Laws now in force for that purpose, and also to repeal part of and amend the provisions of an Act passed in the fifty-ninth year of His late Majesty's reign, entitled "An Act to repeal part of and amend the laws now in force for laying out, amending, and keeping in repair the public highways and roads in this Province."

10. An Act to repeal part of an Act passed in the last session of Parliament, entitled "An Act vesting in the hands of certain Commissioners therein named all the stock, debts, bonds and property of the pretended Bank of Upper Canada, lately established at Kingston, for the benefit of the Creditors of that Institution," and to make further provision for settling the affairs of the said pretended Bank.

11. An Act to repeal an Act passed in the forty-first year of His late Majesty's reign, entitled "An Act for granting to His Majesty, His Heirs and Successors, to and for the uses of this Province, the like Duties on Goods and Merchandise brought into this Province from the United States of America as are now paid on Goods and Merchandise imported from Great Britain and other places," and also an Act passed in the forty-third year of His late Majesty's reign, entitled,

"An Act to explain and amend an Act passed in the forty-first year of His Majesty's reign, entitled An Act for granting to His Majesty, His Heirs and Successors, to and for the uses of this Province, the like Duties on Goods and Merchandise brought into this Province from the United States of America, as are now paid on Goods and Merchandise imported from Great Britain and other Places," and to provide more effectually for the collection and payment of duties on Goods and Merchandise coming from the United States of America into this Province, and also to establish a fund for the erection and repairing of Light Houses," and to make more effectual provision for the due collection of Duties on Goods imported into this Province.

12. An Act to enable the Presbyterian Congregation of York to purchase one or more parcels of ground sufficient for the erection of a Church and burying ground.

13. An Act to authorize the Justices of the Peace of the Midland District to loan a further sum of money for the purposes therein mentioned.

14. An Act to enable the Justices of the Peace of the District of Johnstown to erect a new Gaol and Court House, or repair the old one, and to erect new Bridges across Yonge and Irish Creeks."

15. An Act for the relief of James Carrol.

16. An Act to repeal part of the second clause of an Act passed in the thirty-third year of His late Majesty's reign, entitled "An Act to provide for the nomination and appointment of Parish and Town Officers within this Province, and to make more effectual provision for obtaining an accurate census of the population of this Province."

17. An Act to repeal an Act passed in the forty-fifth year of His late Majesty's reign, entitled "An Act to regulate the trial of controverted elections, or returns of members to serve in the House of Assembly, and to make more effectual provision for such trials."

18. An Act to continue and amend an Act passed in the fifty-eighth year of His late Majesty's reign, entitled "An Act to continue the laws now in force for granting an additional duty on Shop Licences," and to require persons selling Spirituous Liquors by wholesale to take out a License for that purpose.

19. An Act to alter the times of holding the Terms of Hilary and Michaelmas.

20. An Act to make permanent and extend the provisions of the Laws now in force for the establishment and regulation of Common Schools throughout this Province, and for granting to His Majesty a further sum of money to promote and encourage education within the same.

21. An Act to increase the salary of the Assistant Adjutant General of Militia.

22. An Act to make good certain moneys advanced by His Majesty pursuant to the address of the House of Assembly at the last Session of Parliament to His Excellency the Lieutenant Governor.

23. An Act to amend and extend the provisions of an Act passed at the last Session of Parliament, entitled "An Act to provide for constructing a Navigable Canal between Burlington Bay and Lake Ontario."

24. An Act to make more ample provision for regulating the Police of the Town of Kingston.

25. An Act to sanction and make valid an agreement made at Montreal on the fifth of August, 1823, by the Arbitrators appointed for Upper and Lower

Canada under the authority of an Act of the Parliament of Great Britain passed in the third year of His Majesty's reign, entitled "An Act to regulate the Trade of the Provinces of Lower and Upper Canada, and for other purposes relating to the said Provinces for obtaining a Survey of the River Saint Lawrence, and for the appointment of Commissioners for that purpose.

26. An Act granting to His Majesty a sum of money for the purposes therein mentioned.

27. An Act to continue for a limited time an Act passed in the second year of His Majesty's reign, entitled "An Act to make provision for the improvement of the Internal Navigation of this Province," as amended by an Act passed in the third year of His Majesty's reign, entitled "An Act to amend and extend the provisions of an Act passed in the second year of His Majesty's reign, entitled 'An Act to make provision for the improvement of the internal Navigation of this Province'" (except so much thereof as is thereby repealed), and to grant a further sum of money for such improvement."

28. An Act for granting to His Majesty a sum of money to enable His Majesty to compensate the services of the Arbitrator appointed under the Act of the Imperial Parliament passed in the third year of His Majesty's reign, entitled "An Act to regulate the trade of the Provinces of Lower and Upper Canada and for other purposes relating to the said Provinces," and also to compensate the Secretary who accompanied the said Arbitrator during the several negotiations in Lower Canada.

29. An Act for granting to His Majesty a sum of money in aid of the funds for defraying the expenses of the administration of justice and support of the Civil Government of this Province.

30. An Act to authorize the Governor, Lieutenant Governor, or person administering the Government of this Province to treat with the holder of any Government debenture heretofore issued for postponing the period of payment of the same and to authorize the loan of a further sum of money upon the security therein mentioned to be applied towards the service of the present year.

31. An Act to amend and make perpetual an Act passed in the fifty-ninth year of His late Majesty's reign, entitled "An Act to repeal part of and amend the Laws now in force for laying out, amending, and keeping in repair the public highways and roads in this Province," and also to amend an Act passed in the fiftieth year of His late Majesty's reign, entitled 'An Act to provide for the laying out, amending, and keeping in repair the Public Highways and Roads in this Province, and to repeal the laws now in force for that purpose.'"

32. An Act to authorize James Miles to convey to Trustees a Lot of Land for the purposes therein mentioned.

33. An Act to repeal part of an Act passed in the forty-fourth year of His late Majesty's reign, entitled "An Act to promulgate the Provincial Statutes, and also to repeal so much of an Act passed in the forty-first year of the reign of His present Majesty as relates to printing the Journals, and to provide more adequate remuneration for printing annually the Statutes of this Province."

34. An Act to compensate the services of the Commissioners of Customs.

35. An Act to prohibit banks from carrying on business in this Province that do not redeem their Notes in Specie within the same.

36. An Act to repeal an Ordinance of the late Province of Quebec made in the twenty-eighth year of His late Majesty's reign, entitled "An Ordinance for promoting the Inland Navigation."

37. An Act to reduce into one Act the several Statutes of this Province respecting the election of Members of the House of Assembly and the qualification of Voters and Candidates at such Elections, and also to provide against fraud in obtaining qualifications to vote at Elections.

And His Excellency was pleased to reserve the following Bill for the signification of His Majesty's pleasure:—

An Act to amend and make permanent a certain Act of the Parliament of this Province passed in the fifty-ninth year of the reign of His late Majesty King George the Third, entitled "An Act to repeal the several laws now in force relative to levying and collecting rates and assessments in this Province, and further to provide for the more equal and general assessment of lands and other ratable property throughout this Province, and to render more effectual the several laws of this Province imposing rates and assessments by providing under certain restrictions for the levying such rates and assessments by the sale of a portion of the lands on which the same are charged.

After which His Excellency was pleased to address the two Houses of the Legislature in the following words:—

Honorable Gentlemen of the Legislative Council and Gentlemen of the House of Assembly,—The conclusion of the public business, which is now disposed of by your unremitted attention, enables me to dispense with your further attendance in Provincial Parliament, but I cannot put an end to this Session without assuring you how fully sensible I am of the judgment and temper which have governed your counsels and given efficacy to your various and extensive labours.

The united representations which you have addressed to your Sovereign on matters of no ordinary importance to the interests of your country afford a gratifying proof of your cordial and zealous co-operation in the prosecution of your legislative duties.

You are sufficiently aware that the measure of success which may attend your Petitions must be governed by a view of various and perhaps conflicting interests, but it will be no less agreeable to your Sovereign that it must be satisfactory to the people of this Province to observe the vigilant attention with which you have regarded every question that can effect the welfare or security of your country.

Gentlemen of the House of Assembly,—I thank you in His Majesty's name for the supplies which you have granted me for the ordinary exigencies of the year, and for the prudence you have manifested in guarding against temporary inconvenience to the public service by authorizing a loan in anticipation of the payments expected from Quebec, and you may be assured that the repeated testimonies which I have received of your confidence and support shall continue to be met on my part with a disposition to justify your reliance by a regular and economical administration of the revenue.

Honorable Gentlemen and Gentlemen,—I am happy to concur with you in affording countenance and support to the first efforts of a spirit of enterprise which has been directed to the improvement of our internal navigation, and which affords the most pleasing and convincing proof of increasing intelligence and wealth.

The measures by which you propose to render effectual the Acts formerly passed, for subjecting all the granted lands in this Province to a moderate but indiscriminating assessment, have the decided concurrence of my own judgment, and I have reason to believe they will be found perfectly to accord with the opinion of His Majesty's Government.

Fully convinced of the necessity of some measure to counteract the evils occasioned by unoccupied lands, and acceding entirely to the principle of the provisions which you have proposed, I have every hope that the reference for His Majesty's consideration, which has appeared to me proper, will result in the declaration of the Royal assent.

The provisions you have made for the better collecting of the revenue and for obtaining a more accurate census of the population will, I trust, be found effectual.

I entertain an ardent hope that under the protection of Divine Providence the permanent support which you have contributed in your amendments of the Common School Act, to the cause of religious instruction and the general dissemination of knowledge, will be productive of the happiest effects. Such objects the wisest and most virtuous will best appreciate, and the attention you have given them will confer lasting honor on yourselves.

I cannot refrain from adverting to the present tranquil and happy state of this Province and pointing out to your observation how materially that harmony and public spirit, which have prevailed in the Councils of the Legislature, have led to a mutual confidence between the Government and the people, and produced a highly favorable influence both on the general prosperity and on the contentment and happiness of private life.

You will know how greatly individual security, comfort and convenience, as well as the whole interior order and economy of a country depend on the just fulfilment of those ordinary duties which the law requires, and I am persuaded that in your respective counties you will be desirous to impress truths so important upon the minds of those who look up to your example or are influenced by your advice.

The Honorable the Speaker of the Legislative Council then said: It is His Excellency the Lieutenant Governor's will and pleasure that this Provincial Parliament be prorogued to the first day of March next, to be then here holden, and this Provincial Parliament is prorogued accordingly.

I certify the foregoing to be a correct transcript of the Minutes of the proceedings of the Legislative Council in the Fourth Session of the Eighth Provincial Parliament of Upper Canada.

JOHN POWELL, C.L.C.

GENERAL INDEX

A.

Accounts, Public, 1, 6, 112, 192; Treasurers of Districts, 140.

Acts of Parliament of Upper Canada, Royal assent to, 69, 70, 179, 180, 181, 282, 283, 284, 285.

Addison, Rev. Robert, Chaplain of the House, Additional allowance for, 162, 166, 169, 181.

Addington and Lennox, Separation of Counties of, 216, 221, 222.

Addresses from His Excellency, on opening of Legislature, 1, 2, 75, 76, 187, 188; on Prorogation of Parliament, 70, 71, 182, 183, 285, 286.

To His Excellency, *re* Address to His Majesty on Provincial Union, 145; Administration of Justice, 243; Appointment of Commissioner to lay address at foot of Throne, 45, 48, 49, 52, 56, 59, 60; Arbitration with Lower-Canada, 140, 142; Assessment and Population Returns, 212; Bank of Kingston, Commissioner's Report, 195; Boundary between Upper Canada and United States, 278; Brock's Monument, 51; Commissioner's Report, 110; Detention in England, 130; Compensation for losses sustained during late War, 233, 280; Duty at Port of Quebec, 265, 271; Joint, from both Houses, 54, 55; Moneys advanced by Lieutenant-Governor, 23; Population Returns, 195, 212; Provincial Agent, 16; Tea, Importation of, 262, 265, 268, 275; Thanks for Communications, 7, 8, 25, 26, 28, 32, 130, 135, 194, 195; Tobacco Trade, 262, 265, 277.

To His Majesty: 127, 128, 134; Boundary between Upper Canada and United States, 262, 265, 266, 279, 280; Gratitude for bounty to sufferers from late War, 268, 270, 281; Incorporated Militia, 110, 141; Tea, Importation of, 262, 265, 268, 275, 276; Tobacco Trade, 262, 265, 277, 278; Union of Upper and Lower Canada, 33, 46, 47, 51, 52, 53, 54, 56, 85, 140, 145, 146.

Adjutant-General of Militia (N. Coffin) more adequate provision for, 24, 25, 30, 62, 64, 70, 159, 163, 168, 169, 181. Assistant, 236, 247, 248, 283.

Administration of Justice, 15, 20, 64, 65, 67, 157, 163, 165, 181, 251, 254, 255, 284.

Agreement with Lower Canada, 1, 3, 13, 14, 53, 71, 89, 90; made at Montreal as to regulation of Trade, and Survey of the River St. Lawrence, 250, 253, 254, 255, 283.

Agreements, provisional, 90.

Agricultural interests, 2, 4.

Agriculture, check to prosperity, 226; depression of trade and, 1.

Ale Houses, Licensing of, 117, 118, 120, 121, 136, 137, 180.

Aliens, 171.

Ameliasburg, division of Township of, 133, 138, 143, 180.

American ships, 101.

Annual expenditure, reduction of, 1.

Grant by British Parliament, 229.

Register, 269.

Arbitration, 140, 142.

Arbitrator, Remuneration of, 253, 284.

Arbitrator's decision, 80.

Arrearages, Lower Canada, 18, 53, 187, 208.

Militia Pension List, 1, 2.

Ashes, Pot and Pearl, Boiler for, 163, 166, 169, 177, 178, 182.

Assembly, Clerk of (Grant Powell), 9, 45, 114, 194, 215, 226, 242, 257, 268.

Commons, House of, 2, 9, 16, 17, 59, 67, 71, 75, 76, 151, 152, 153, 154, 155, 156; Qualification of persons eligible for election to, 55, 56, 57, 58, 59, 69, 198, 199, 201, 202, 204, 205, 206, 207, 209, 219, 220, 222, 285.

Assessment, Collection of Rates and, 230, 236, 247, 254, 255, 258, 260, 285; and Population Returns, 140, 210, 212.

Assessors, Duties of, 201.

Assignees, Heirs and Devisees, 26, 29, 35, 36, 37, 46, 132, 133, 136, 138, 139, 143, 146, 161, 180.

Attorney-General, 45, 60, 63, 77, 124, 199.

Attorneys, District (appointment of), 161, 164, 176, 178.

Auctioneers (Licenses to), 123, 125, 126, 179, 180.

B.

Baby, James, 1, 2, 3, 4, 5, 6, 7, 8, 10, 12, 14, 15, 17, 18, 20, 21, 23, 25, 27, 30, 31, 32, 34, 35, 36, 37, 39, 40, 42, 45, 47, 48, 49, 50, 52, 57, 58, 59, 61, 65, 66, 69, 78, 178, 179, 187, 188, 189, 190, 191, 192, 193, 194, 196, 197, 200, 203, 204, 206, 207, 209, 210, 212, 214, 217, 218, 220, 222, 223, 225, 228, 229, 230, 232, 235, 236, 240, 242, 244, 246, 248, 249, 251, 252, 254, 258, 263, 267, 268, 271, 273, 275.

Bank of Kingston, 46, 49, 57; Bill *re*, 216, 219, 222, 231, 233.

Upper Canada, Bill, 123, 124; Incorporation of, 39, 41, 42, 69; Petition of President, Directors and Company, 121; Provincial Funds invested in, 119, 122, 123.

Upper Canada (Pretended) at Kingston, 143, 149, 154, 156-159, 163, 170, 172, 173, 180, 192, 213, 233, 240, 251, 273, 274, 282.

Banks, to redeem notes in specie, 263, 264, 272, 273, 274, 284.

Barnhart's Island, as to Boundary, 241, 279, 280.

Bastard Children, Murthering of, 196, 197, 199, 200, 211, 213, 216, 217, 219.
 Bates, George, Relief of, 134, 138, 147, 151, 152, 153, 156, 168, 170, 171, 172, 174, 175, 176, 177, 178, 180.
 Bathurst District, Division of the County of Carleton in, 200, 202, 204, 205, 221, 222, 226, 251, 252, 263, 265, 282; Establishment of Courts in, 79, 82, 83, 109, 111, 127, 143, 149, 151, 152, 154, 168, 172; Machinery for Hemp for the use of the Inhabitants, 204; Schools in, 113, 115, 116, 117, 179; Sheriff for, 113, 115, 116.
 Bathurst, Earl of, 81, 84, 85, 86, 92, 105, 106, 130, 134, 153.
 Belleville, establishment of Police in Town of, 126, 127.
 Billiard Tables, Duty on, 227, 251.
 Blacklock, Ambrose, 114, 117.
 Black Rod, Gentleman Usher of, 1, 69, 75, 111, 179, 187, 282.
 Boards of Education, 140.
 Trade, 99.
 Trustees, 139.
 Boulton, H. J., 78.
 Boundary Line, Provincial, 240, 243, 245, 247, 262, 265, 266, 271, 278.
 Boundary Lines, Township, 139, 147, 150, 180, 206, 230.
 Bridges, Gwillimsbury and Tecumseth, 210, 212; Irish Creek, 220, 223, 251, 252, 283; Young Creek, Johnstown District, 147, 148, 153, 156, 158, 159, 175, 220, 223, 251, 252, 283.
 British Ships, 101.
 British Statutes, Duties levied under, 92.
 Revenue collected under, 76.
 Brock, Sir Isaac, Monument to, 30, 34, 46, 48, 51.
 Burlington Bay, Canal, 174, 175, 176, 181, 242, 244, 245, 248, 283.
 Herring Fishery at outlet, 139, 146, 150, 180.

C.

Caldwell, Mr., Receiver General of Lower Canada, 84, 89, 90, 92.
 Cameron, Duncan, 1, 2, 3, 4, 8, 10, 12, 15, 17, 18, 19, 20, 22, 23, 27, 28, 30, 58, 59, 63, 64, 66, 69, 75, 77, 78, 79, 81, 82, 120, 121, 122, 123, 124, 125, 126, 128, 130, 132, 134, 136, 141, 142, 144, 150, 154, 156, 161, 164, 168, 169, 173, 178, 179, 187, 188, 189, 190, 191, 192, 193, 196, 197, 198, 199, 200, 202, 203, 204, 205, 206, 208, 210, 212, 214, 216, 218, 220, 221, 222, 223, 225, 227, 228, 229, 230, 232, 235, 236, 238, 242, 244, 245, 248, 251, 253, 254, 258, 263, 267, 270, 271, 273, 275.
 Canada Act, 102.
 Bill, 97.
 Trade Act, 84, 98, 99, 100, 101, 102, 103, 187, 204, 207, 209.
 Canal, Burlington Bay to Lake Ontario, 174, 175, 176, 181, 242, 244, 245, 248, 283.
 Welland, Incorporation of Company, 210, 211, 218, 220, 221, 223, 282.

Carleton County, Division of, 200, 202, 204, 205, 222, 226, 251, 252, 263, 265, 282; *re* Market in Town of Perth, 19, 24, 29.
 Carrol, James, Act for relief of, 224, 247, 283.
 Cattle, Horned, Regulations *re* running at large, 27, 33, 69.
 Census of population, 140, 198, 201, 202, 203, 224, 227, 228, 283.
 Chancery, Master in. *See* Master in Chancery.
 Chaplain of the House, Rev. Robert Addison, 162, 166, 169, 181.
 Chapmen, Petty, License to, 123, 125, 126, 179.
 Chateauguay, tolls levied at, 208.
 Chrysler, John, relief of, 39, 41, 49, 50, 70.
 Church of Scotland, Claims of, 215, 220.
 Circuit, establishment of second, 172, 175, 182, 236.
 Civil Administration, 15, 20.
 Establishment, 229, 256.
 Government, 64, 65, 67, 92, 94, 159, 163, 165, 181, 251, 253, 255, 284.
 List, 95, 97.
 Claims against Lower Canada, 1, 3, 4, 54, 87-92, 132, 142.
 Of Sufferers from late war with the United States, 81, 166, 170, 173, 174, 175, 181, 182, 229, 233.
 Clark, Thomas, 75, 78, 79, 81, 82, 83, 109, 110, 111, 112, 116, 118, 119, 120, 121, 122, 123, 124, 125, 126, 128, 130, 134, 135, 136, 141, 142, 144, 148, 149, 151, 154, 156, 161, 164, 166, 168, 169, 173, 175, 177, 178, 179, 192, 200, 202, 203, 205, 206, 207, 208, 209, 210, 211, 212, 214, 217, 218, 220, 222, 229, 231, 232, 234, 235, 236, 239, 242, 244, 248, 249, 251, 254, 258, 261, 262, 266, 267, 268, 269, 271.
 Claus, William, 4, 5, 6, 8, 10, 12, 15, 17, 18, 19, 20, 21, 22, 23, 26, 27, 29, 73, 189.
 Clement, John P., relief of, 147, 151, 152, 153, 168, 170, 171, 172, 174, 178, 182, 202, 203, 282.
 Clerk of Legislative Assembly (Grant Powell), 9, 45, 114, 194, 215, 226, 242, 257, 268.
 Legislative Council (John Powell), 72, 183, 286.
 Clerks, Executive Council: Canada, viii; Ontario, viii; Upper Canada, viii.
 House of Assembly: Lower Canada, ix; Upper Canada, ix.
 House of Commons, Canada, ix.
 Legislative Assembly: Canada, ix; Ontario, ix; Quebec, ix.
 Legislative Council: Canada, ix; Upper Canada, viii.
 Clerks of the Peace, regulation of fees, 161, 164, 176, 178.
 Clerks; Privy Council of Canada, viii; Senate of Canada, ix.
 Coasting Vessels, 56.
 Cobourg (Newcastle District), removal of Gaol and Court House to, 221.

- Coffin, N., Adjutant-General of Militia, Memorial of, 24, 25, 30, 70.
- Colonies, His Majesty's Principal Secretary of State for, 7, 82, 83, 110, 233, 277.
- Commercial intercourse - with Lower Canada, 14, 93, 127.
- United States, 47, 48, 50, 57, 59, 162, 165, 193, 194, 209, 210, 218, 219, 222, 223, 282.
- Relations with Lower Canada, 21, 23, 24, 70.
- Commissioner, appointment of, *re* affairs with Lower Canada (John B. Robinson), 45, 48, 52, 56, 58, 59, 64, 75, 80; Communication from, 84-109; Detention in England, 129; Letter from, as to appointment, 63; Thanks for distinguished service, 124, 150.
- Sum of money to provide for appointment of, 65, 66, 67.
- Commissioners appointed *re* affairs of Pretended Bank of Upper Canada, 143, 149, 154, 156, 157-159, 163, 168, 170, 172, 173, 180, 192, 213.
- Of Customs, Remuneration of, 259, 263, 264, 267, 284.
- Forfeited lands, 171.
- Of His Majesty's Treasury Lords, 7, 87, 88, 102, 103, 167, 204, 208.
- Lower Canada, 5, 21, 23, 24, 90.
- Navigation, 139, 229.
- Report *re* Brock's Monument, 30, 34, 46, 48, 51.
- Committee of Conference, 30, 31, 32, 33, 48, 67, 197, 234, 259, 269.
- Common Schools, Establishment of, 230, 234, 235, 238, 243, 244, 245, 283.
- Commons, House of Assembly, 2, 9, 16, 17, 59, 67, 71, 75, 76, 151, 152, 153, 154, 155, 156; Qualifications of persons eligible for election to, etc., 55, 56, 57, 58, 59, 69, 198, 199, 201, 202, 204, 205, 206, 207, 209, 219, 220, 222, 285.
- Contraband, Provision to try causes for seizure of, 237.
- Controverted Elections, 226, 228, 239, 242, 283.
- Conveyances, Deeds, Wills, Registration of, 17, 19, 24, 27, 28, 29, 32, 165.
- Court House, Gaol and, Home District, 115, 116, 117, 179, 197, 199, 200, 282; Johnstown District, 220, 223, 251, 252; Kingston, 61, 63, 69; Loan for Building, 122; London District, 121, 122, 124, 179; Newcastle District, 221.
- Of Quarter Sessions, 18, 237.
- Courts, District, 23, 24, 26, 27, 37, 38, 69, 79, 82, 83, 109, 111, 127, 131, 143, 148, 149, 150, 151, 152, 154, 155, 159, 160, 168, 169, 170, 172, 181.
- Of Justice, regulation of practice of, 71.
- King's Bench, 5, 8, 10, 17, 18, 19, 22, 47, 48, 49, 50, 51, 69, 175; Reports of, 128, 135, 148, 150, 151, 160, 162, 167, 172, 180.
- Probate and Surrogate, 143, 149, 151, 168.
- Cramahe Township, Boundary of, 139, 147, 150, 180.
- Crooks, Matthew, Petition of, etc., 121, 128, 133, 135, 137, 163, 167, 168, 170, 171, 172, 174, 175, 178, 181.
- Crookshank, George, 76, 77, 78, 79, 81, 82, 83, 109, 110, 111, 112, 113, 114, 115, 116, 118, 119, 120, 121, 122, 123, 124, 125, 126, 128, 130, 132, 133, 134, 136, 140, 141, 142, 144, 148, 150, 152, 154, 156, 161, 164, 166, 169, 173, 175, 178, 179, 187, 188, 189, 190, 191, 192, 195, 196, 199, 205, 207, 208, 209, 210, 211, 212, 214, 217, 218, 220, 222, 223, 225, 229, 231, 234, 235, 236, 242, 244, 249, 251, 254, 258, 261, 263, 264, 275.
- Crown, Law Officers of, 85.
- Cummings, John, 158.
- Customs, Remuneration of Commissioners of, 259, 263, 264, 267, 284.
- D.
- Dalton, Thomas, 158.
- Debentures, Account of, 82, 192; Borrowing on, 1; Postponement of period of payment of, 257, 259, 264, 284; Return of, 7.
- Deeds, Conveyances, etc., Registration of, 17, 19, 24, 27, 28, 29, 32, 165.
- De Long, George, Relief of, 134, 138, 147, 151, 152, 153, 156, 168, 170, 171, 172, 174, 175, 176, 177, 178, 180.
- Dickson, William, 1, 2, 3, 4, 5, 6, 7, 8, 12, 14, 15, 17, 18, 19, 20, 22, 23, 25, 26, 27, 30, 31, 32, 34, 36, 37, 38, 40, 42, 78, 79, 81, 82, 83, 109, 110, 111, 112, 113, 114, 115, 116, 118, 119, 120, 121, 122, 123, 124, 125, 126, 128, 130, 134, 141, 143, 148, 149, 150, 151, 154, 156, 158, 160, 161, 164, 168, 169, 171, 173, 175, 176, 177, 178, 179, 192, 197, 198, 199, 200, 202, 203, 205, 206, 207, 209, 210, 212, 214, 217, 218, 220, 222, 228, 229, 232, 235, 236, 239, 242, 243, 244, 246, 248, 249, 251, 252, 254, 258, 261, 265, 267, 270, 271, 275.
- Distilleries, Duties on, 80.
- District Courts, 23, 24, 26, 27, 37, 38, 69, 79, 82, 109, 111, 127, 131, 143, 148, 149, 150, 151, 152, 154, 155, 159, 160, 168, 169, 170, 172, 181.
- Schools, 139.
- Treasurers, Accounts, 140; Receipts, 201.
- Division of Ameliasburg Township, 133, 138, 143, 180; Bathurst District, 221; Carleton County, 200, 202, 204, 205, 222, 226, 251, 252, 263, 265, 282; Halton County, 221, 224, 263, 264, 270; Lennox and Addington, 216, 221, 222; London District, 221; Newcastle District, 216, 221, 275; Province, 216, 222, 275; Province of Quebec into Upper and Lower Canada, 87, 88, 97.
- Dominion, British, 95, 146.
- Dowsley, Thomas, 134, 138, 147, 151, 152, 153, 156, 168, 170, 171, 172, 174, 175, 176, 177, 178, 180.

Dunn, John Henry, 77, 78, 79, 81, 82, 83, 112, 113, 114, 115, 116, 124, 130, 142, 156, 169, 173, 175, 178, 179, 187, 188, 189, 190, 191, 192, 193, 194, 196, 197, 199, 200, 202, 203, 205, 206, 207, 208, 209, 210, 212, 214, 217, 218, 220, 222, 232, 235, 236, 238, 242, 244, 247, 248, 249, 251, 275.

Duties Collected at Port of Quebec, 1, 3, 4, 6, 13, 14, 53, 76, 119, 256, 265, 271; Within the Province, 148, 153, 155, 160.

Levied under British Statutes, 92.

On Distilleries, 80.

On goods from the United States, 41, 42, 52, 57, 58, 60, 61, 62, 214, 218, 231, 232, 236, 239, 243, 245, 246, 249, 252, 258, 259, 266, 267, 282, 283.

On Licenses to Ale Houses, etc., *See* "Licenses."

On Wooden Stills, Distillation, 141, 147, 180, 182.

E.

East India Company, 99, 194, 276.

East Indies, 98.

Election of Members, Qualification, etc., 55, 56, 57, 58, 59, 69, 198, 199, 201, 202, 204, 205, 206, 207, 209, 219, 220, 222, 285.

Elections, Controverted, 226, 228, 239, 242, 283.

Ellis, Mr., 92.

Estates, Forfeited, 62, 64, 66, 70.

Exposed Frontier, 255.

F.

Fees, Regulation of Clerks and Justices of the Peace, 161, 164, 176, 178.

Fencible Corps, 83.

Financial Relations between Upper and Lower Canada, 1, 3, 13, 30, 31, 32, 33, 34, 35, 45, 46, 47, 49, 50, 51, 52, 54, 55, 56, 58, 85, 92.

Fire, Protection from, 148, 153, 155, 181.

Fisheries, Protection of: Herring, 139, 146, 181; Salmon, 148, 153, 155, 181, 235, 236, 237, 238, 242.

Forfeited Estates, 62, 64, 66, 70; Lands, 171.

French, Canadian, 95.

Laws and Language, 93.

Frontier, Exposed, 255.

Funds, Provincial, invested in Bank of Upper Canada, 119, 122, 123.

G.

Galt, Mr., Agent for sufferers from late war, 256.

Gaol and Court House, Home District, 115, 116, 117, 179, 197, 199, 200, 282; Johnstown District, 220, 223, 251, 252; Kingston, 61, 63, 69; Loan for Building, 122; London District, 121, 122, 124, 179; Newcastle District, 221.

Gaols, assigning limits to, 21, 23, 27, 28, 29, 32, 34, 39, 69, 122.

Gardner, Alexander, Petition, etc., 81, 82, 134, 138, 147, 151, 152, 153, 156, 168, 170, 171, 172, 175, 176, 177, 178, 180.

General Quarter Sessions, 27, 33, 69, 122; Home District, 134, 138, 144, 180; Johnstown District, 147, 148, 153, 156, 158, 159, 175, 220.

Ghent, Treaty of, 241, 279.

Gore District, Machinery for dressing hemp, for use of inhabitants of, 204; Petition of inhabitants, 202, 221.

Grants, Leases, Locations; Schedule of, 43.

Guardians, appointment of, 32, 34, 36, 59.

Gwillimsbury and Tecumseth, Petition of inhabitants, *re* bridge, 210, 212.

H.

Hagerman, A. C., 163.

Hagerman, Christopher Alexander, 158. Halton County, Division of, 221, 224, 263, 264, 270.

Halton, William, Provincial Agent, 9, 10; Death of, 16.

Hamilton, District of Newcastle, removal of Gaol and Court House from, 221.

Harris, Daniel, 163, 166, 169, 177, 178, 181, 182.

Hawkers, Pedlars, etc., License to, 123, 125, 126, 179.

Hemp, encouragement of use of, 4; Machinery for preparation of, 62, 64, 66, 70, 204, 208.

High Treason, 171.

Highways and Roads, 11, 15, 20, 26, 27, 28, 39, 40, 41, 211, 213, 214, 215, 221, 224, 227, 232, 233, 257, 260, 263, 282, 284.

Hilary and Michaelmas Terms 227, 230, 235, 237, 240, 283.

Hillier, G., 81, 84, 97, 98, 192.

Hillier, Major, 4, 6, 11, 24, 30, 43, 81, 83, 85, 109, 112, 119, 120, 129, 130, 132, 139, 192, 204, 210, 228, 236, 237.

Home District, Gaol and Court House, 115, 116, 117, 179, 197, 199, 200, 282; General Quarter Sessions, 134, 138, 144, 180; Petition of Inhabitants, 202.

Horses, *re* restraint of those running at large, 27, 33, 69.

I.

Incorporated Militia, Half Pay for Officers of late Battalion of, 83, 84, 110, 134, 141, 153.

India Goods, Importation of, 193.

Indians, to prohibit sale of spirituous liquors to, 52, 57, 58, 60, 132, 133, 138, 143, 146.

Inland Navigation, Improvement of, 81, 82, 83, 101, 103, 111, 139, 166, 172, 174, 181, 229, 241, 242, 250, 264, 270, 271, 272, 279, 280, 284.

Inkeepers, Licenses to, 209, 211, 282.

Insolvent Debtors, Maintenance of, 43, 44, 48, 69; Relief of, 139, 143, 149.

Irish Creek Bridge, 220, 223, 251, 252, 283.

J.

Joint Addresses to His Majesty the King, 134, Boundary between Upper Canada and the United States, 262, 265, 266, 279, 280; Gratitude for bounty to sufferers from late war, 268, 270, 281.; Incorporated Militia, 110, 141; Tea, Importation of, 262, 265, 268, 275, 276; Tobacco Trade, 262, 265, 277, 278; Union of Upper and Lower Canada, 33, 46, 47, 51, 52, 53, 54, 56, 85, 140, 145, 146.
 Johnston District, Bridge over Yonge Creek, 147, 148, 153, 156, 158, 159, 175; over Yonge and Irish Creeks, 220, 223, 251, 252; Gaol and Court House, 220, 223, 251, 252; Petition of Inhabitants, 235.
 Journals of the House, destroyed during late war, 9.
 Printing of, 258, 261, 263, 284.
 Judges, additional number of, 236, 243.
 Justices of the Peace, Regulation of fees of, 161, 164, 176, 178.

K.

King's Bench, Court of, 5, 8, 10, 17, 18, 19, 22, 47, 48, 49, 50, 51, 69, 175; Publication of Reports of, 128, 135, 143, 148, 150, 151, 160, 162, 167, 172.
 Kingston Bank, 46, 49, 57; Bill, 216, 219, 222, 231, 233.
 Gaol and Court House, 61, 63, 69.
 Police in Town of, 245, 248, 250, 252, 258, 270, 271, 273, 283.
 Pretended Bank of Upper Canada at, 143, 149, 154, 156-159, 163, 170, 172, 173, 180, 192, 282.
 St. George's Church, Act *re* Surrender of Lands, 161, 164, 165, 166, 181.

L.

Land, Claims *re* patents, 26, 29, 35, 36, 37, 46, 132, 133, 136, 138, 139, 143, 146, 161, 180.
 Grants, Memo *re* Schedule of, from Thomas Ridout, Surveyor-General, 43, 44.
 Surveyors, 147, 150, 180.
 Law Officers of the Crown, 85.
 Regulation of Practice of, 4, 8, 10, 11, 12, 15, 19, 24, 69.
 Society, 167.
 Laws, Expiry of, 80, 182, 188.
 Lennox and Addington, Separation of Counties of, 216, 221, 222.
 Legislative Union, Upper and Lower Canada, 75, 80, 85, 92-108, 118, 119, 120, 123, 125, 126, 127, 140.
 Legislative Library, 255, 269, 271.
 Licenses, to Ale Houses, 117, 118, 120, 121, 134, 136, 180; Auctioneers, 123, 125, 126, 179, 180; Hawkers and Pedlars, 123, 125, 126, 179; Innkeepers, 209, 211, 282; Shop, 227, 230, 233, 283; Stills and Distillation, 141, 147, 180; Wholesale Dealers,, 227, 233, 283.

Lieutenant-Governor, *re* Moneys Advanced by, 21, 23, 24, 68, 70, 161, 164, 181, 227, 228, 232, 234, 235, 242, 244, 248, 283.

Sir Peregrine Maitland, 3, 4, 6, 7, 10, 11, 16, 24, 25, 30, 34, 43, 51, 54, 55, 59, 76, 77, 78, 79, 81, 83, 84, 110, 112, 119, 129, 130, 132, 139, 140, 142, 145, 180, 181, 182, 183, 187, 188, 189, 192, 193, 194, 195, 196, 204, 208, 209, 210, 215, 227, 228, 233, 234, 235, 236, 242, 243, 262, 263, 268, 275, 276, 277, 280, 281.

Loan, for Building Gaol and Court House in any District, 122.

Midland District, 220, 223, 224, 225, 283.

Negotiation of, 2.

Postponement of, 264

Sufferers from late war, 256, 257.

London District, Division of, 221.

Gaol and Court House, 121, 122, 124, 179.

Machinery for preparation of hemp, for use of inhabitants of, 204.

Lords Commissioners of His Majesty's Treasury, 7, 87, 88, 102, 103, 167, 204, 208.

Lower Canada, Address to His Majesty as to Provincial Relations, 53-55.

Address to His Majesty as to Provincial Union, 140, 145, 146.

Adjustment of Claims, 1, 3, 4, 54, 87-92, 132, 142.

Agreement with, 1, 3, 13, 14, 53, 71, 89, 90; made at Montreal as to regulation of trade, 250, 253, 254, 255, 283.

Arbitration, 140, 142.

Arbitrator, remuneration of, 253, 284.

Arbitrator's decision, 80.

Arrearages, 18, 53, 187, 208.

Commercial intercourse with, 14, 93, 127; relations with, 21, 23, 24, 70.

Commissioner, Appointment of, *re* affairs with (John B. Robinson), 45, 48, 52, 56, 58, 59, 64, 75, 80; Communication from, 84-109; Detention in England, 129; Letter from, as to appointment, 63; Thanks for distinguished service, 124, 150.

Commissioners, 5, 21, 23, 24, 90; Remuneration of, 21, 23, 24, 70; Report of, 5; Resolutions *re* Report, 13, 14.

Division of Quebec into Upper and, 87, 88, 97.

Financial Concerns and Interests with, 1, 3, 13, 30, 31, 32, 33, 34, 35, 45, 46, 47, 49, 50, 51, 52, 54, 55, 56, 58, 85, 92; Relations, 52, 54, 55, 56, 58.

Legislative Union with, 75, 80, 85, 92-108, 118, 119, 120, 123, 125, 126, 127, 140.

Provincial Union, Address to His Majesty, *re*, 140, 145, 146.

Receiver-General (Mr. Caldwell), 84.

Regulation of Trade and Survey of St. Lawrence, 250, 253, 254, 255, 283, 284.

Solicitor-General (Mr. Marshall), 84, 92.

Tolls collected at Chateaguay, 208.

Treasury, 14, 94, 98.

Union with, 75, 80, 85, 92-108, 118, 119,
120, 123, 125, 126, 127, 140, 145, 146.

Voltigeurs, 83.

M.

McIntosh, Angus, 5, 6, 7, 8, 10, 12, 15,
17, 18, 19, 20, 21, 22, 23, 26, 27, 30, 32,
34, 35, 36, 37, 38, 39, 40, 79, 81, 82,
83, 112, 113, 116, 118, 119, 120, 121, 122,
123, 124, 125, 126, 128, 130, 132, 134,
136, 141, 142, 144, 146, 148, 150, 153,
190, 191, 192, 193, 194, 196, 197, 199,
200, 202, 205, 206, 207, 208, 209, 210,
212, 214, 217, 218, 220, 222, 223, 225,
227, 228, 229, 232, 235, 236, 242, 244,
248, 251, 254, 258, 263, 264, 267, 271,
272, 275.

McGill, John, 1, 2, 3, 4, 5, 6, 7, 8, 10, 12,
15, 17, 18, 19, 20, 21, 22, 23, 26, 27, 30,
31, 32, 35, 39, 40, 41, 42, 44, 46, 47, 49,
50, 52, 58, 59, 61, 65, 66, 67, 69, 75, 78,
79, 81, 82, 83, 109, 110, 111, 112, 113,
114, 115, 116, 118, 120, 121, 123, 124,
125, 126, 128, 130, 132, 134, 136, 141,
142, 144, 148, 149, 150, 154, 156, 187,
188, 189, 190, 191, 192, 194, 196, 197,
199, 200, 203, 205, 206, 208, 209, 210,
212, 214, 217, 218, 220, 222, 223, 225,
228, 231, 232, 235, 236, 242, 244, 248,
249, 251.

McLean, Neil, 78, 192.

McLeod, Neil, 158.

McNab, Allan, Sergeant-at-Arms, 250,
266, 269, 272, 274.

Machinery, Importation of, 112, 113, 115,
117, 118, 135, 179.

For Preparation of Hemp, 62, 64, 66,
70, 204, 208.

Maitland, Sir Peregrine, 3, 4, 6, 7, 10,
11, 16, 24, 25, 30, 34, 43, 51, 54, 55, 59,
76, 77, 78, 79, 81, 83, 84, 110, 112, 119,
129, 130, 132, 139, 140, 142, 145, 189,
192, 193, 194, 195, 204, 208, 210, 228,
233, 236, 243, 275, 276, 277, 280, 281.

Market in Perth, 19, 24, 29, 31, 69; in
York, 31, 34, 36, 46.

Markland, George H., 4, 5, 6, 7, 8, 10, 12,
14, 15, 16, 17, 18, 19, 20, 22, 23, 26, 27,
30, 31, 32, 34, 36, 37, 38, 39, 40, 41, 42,
44, 46, 47, 50, 52, 55, 56, 57, 58, 59, 63,
65, 66, 69, 75, 78, 79, 81, 82, 83, 109,
110, 111, 112, 113, 114, 115, 116, 120,
121, 122, 123, 124, 125, 126, 128, 130,
132, 134, 135, 136, 140, 141, 142, 144,
148, 149, 150, 154, 190, 192, 193, 194,
196, 197, 198, 199, 200, 202, 203, 205,
206, 207, 208, 209, 210, 212, 214, 217,
218, 219, 220, 221, 222, 223, 225, 228,
229, 232, 235, 236, 238, 242, 244, 245,
247, 248, 249, 251, 252, 254, 258, 263,
267, 269, 271, 275.

Marriages, *re* confirmation of, 37, 46, 133,
138, 153, 162, 164, 207, 211, 217.

Marryatt, Mr., 108.

Marshall, Mr., Solicitor-General of Lower
Canada, 84.

Master in Chancery, 9, 14, 15, 22, 24, 31,
33, 34, 38, 40, 45, 50, 52, 56, 62, 63, 66,
67, 68, 83, 112, 115, 117, 118, 120, 121,
124, 137, 144, 149, 150, 151, 152, 154,
155, 160, 165, 167, 170, 175, 176, 178,
200, 203, 220, 223, 228, 231, 237, 239,
240, 242, 245, 248, 249, 252, 253, 255,
258, 262, 267, 268, 271, 272, 273, 274.

Mayer, George, 72, 183.

Methodists, *re* solemnization of marriage,
207, 211, 217.

Militia, Adjutant-General of, (N. Coffin),
24, 25, 30, 62, 64, 70, 159, 163, 168,
169, 181; Assistant, 236, 247, 248, 283.

Half Pay for Officers and Staff of late
Battalion of Incorporated, 83, 84,
110, 134, 141, 153.

Pension List, 1.

Pensions, 14, 112.

Raising and Training of, 61, 62, 64, 66,
67, 68, 70, 123, 125, 131, 132, 133, 180.

Middlesex, Petition of Inhabitants of
County of, 16.

Midland District, Loan, 220, 223, 224,
225, 283; Machinery for Preparation
of Hemp, for use of the inhabitants,
204; Petition of the Justices of the
Peace, 211.

Miles, James, 257, 261, 263, 284.

Miller, Peter, Relief of, 59, 65, 66, 70.

Monaghan Township, 221.

Moneys advanced by the Lieutenant-
Governor, 21, 23, 24, 68, 70, 161, 164,
181, 227, 228, 232, 234, 235, 242, 244,
248, 283.

Montreal, 250, 253, 254, 283.

N.

Navigation, Inland, 81, 82, 83, 101, 103,
111, 139, 166, 172, 174, 181, 229, 241,
242, 250, 264, 270, 271, 272, 279, 280,
284.

New Brunswick, 87.

Newcastle District, Better Division of,
216, 275.

Gaol and Court House in, 221.

Niagara, Establishment of Police in town
of, 133, 136, 137, 142, 161, 164, 165, 181;
Relief of Teachers in Common Schools
of District, 126, 128, 135, 151, 155, 180.

Nova Scotia, 87.

O.

Orange Societies, Petition against, 123.

Ordinance Repeal Bill, 139, 147, 150, 180.

Osgoode, Mr., 92.

Osnabrock, Township of, 31, 35, 37, 38,
69.

Ottawa District, Petition from Sheriff of,
198; Public School, 111, 112, 179.

P.

Parish and Town Officers, appointment
of, 224, 227, 228, 283.

Parliamentary Debates, 269.

Pension, Militia List, 1.

Sergeant-at-Arms, Allan McNab, 250,
266, 269, 272, 274.

Pensions, Militia, 14, 112.
 Perth, establishment of Market in, 19, 24, 29, 31, 69.
 Peterson, William, Relief of, 158, 163, 216, 247.
 Petitions, President, Directors and Company of Bank of Upper Canada, 121; Stockholders in Pretended Bank of Upper Canada, 213; Inhabitants of Bathurst District, 192; Ambrose Blacklock, 114, 117; John Boswell, Cobourg, 111; John Putman Clement, 202; Matthew Crooks, 121; Alexander Gardner, 81, 82; Inhabitants of Gore District, 202, 221; Inhabitants of County of Grenville, 192; Inhabitants of Gwillimbury and Tecumseth, 210, 212; Inhabitants of Home and Gore Districts, 202; Inhabitants of Johnstown District, 235; Inhabitants of Town of Kingston, 16, 198, 202; Inhabitants of County of Middlesex, 16; Justices of the Peace, Midland District, 211; Against Orange Societies, 123; Rev. John Dietrick Peterson, 192; Presbyterian Congregation at York, 192; President, Directors, and Company of Bank of Upper Canada, 121; Hiram Spafford, 202; Stockholders in Pretended Bank of Upper Canada, 213; Inhabitants of Western District, 209; Benjamin Whitney, 158.
 Physic and Surgery, 17, 22, 35, 36.
 Police, establishment of, Belleville, 126, 127; Niagara, 133, 136, 137, 142, 161, 164, 165, 181; in Town or Towns of the Province, 64, 65, 67, 68, 70.
 Population, Assessment and, 140, 210, 212; Census Returns, 193, 198, 201, 202, 203, 224, 227, 228, 283; Increase of, 71, 93.
 Poundage Repeal Laws, 7, 8, 18, 21, 27, 28, 70, 238, 239.
 Powell, Grant (Clerk of the Legislative Assembly), 9, 45, 114, 194, 215, 226, 242, 257, 268.
 Powell, John (Clerk of Legislative Council), 72, 183, 286.
 Powell, William Dummer, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 30, 31, 32, 34, 36, 37, 38, 39, 40, 42, 44, 45, 47, 49, 50, 51, 52, 54, 55, 56, 58, 59, 60, 66, 67, 69, 75, 78, 79, 80, 81, 82, 83, 109, 110, 111, 112, 113, 114, 115, 116, 118, 119, 120, 121, 122, 123, 124, 125, 126, 128, 130, 131, 132, 134, 136, 137, 141, 142, 144, 145, 146, 148, 150, 152, 154, 156, 161, 162, 167, 169, 170, 173, 175, 176, 178, 179, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 202, 203, 205, 206, 207, 208, 209, 210, 212, 213, 214, 217, 218, 220, 222, 223, 226, 228, 229, 231, 232, 233, 234, 235, 236, 239, 240, 242, 243, 244, 245, 246, 248, 249, 251, 252, 253, 254, 258, 262, 263, 267, 268, 271, 272, 273, 274, 275, 276, 277, 278, 280, 281.
 Presbyterian Congregation at York, 216, 220, 261, 264, 283.

Prince Edward County, Division of Township of Ameliasburg in, 133, 138, 143, 180; Erected into a separate District, 221, 224, 254.
 Printing: Journals of the House, 258, 261, 263, 284; Statutes, 258, 261, 263, 284.
 Probate and Surrogate Court, 143, 149, 151, 168.
 Proclamation Assembling of Legislature, 70, 187.
 Published in Lower Canada, 89.
 Prorogation of Provincial Parliament, 70, 71, 182, 183, 286.
 Protestant Clergy, support of, 215.
 Faith, 93.
 Protestants, Foreign, 114.
 Province, Division of, 216, 222, 275; Quebec into Upper and Lower Canada, 87, 88, 97.
 Police establishment in Towns of, 64, 65, 67, 68, 70.
 Population Returns of, 193, 198, 201, 202, 203, 224, 227, 228, 283.
 Provincial Agent, 9, 16, 19, 22, 24.
 Funds invested in Bank of Upper Canada, 119, 122, 123.
 Revenue, 25, 33, 35, 71.
 Statutes, Printing, etc., 258, 261, 263, 284.
 Treasury, 187, 256.
 Union, 75, 80, 85, 92-108, 118, 119, 120, 123, 125, 126, 127, 140, 145, 146.
 Public Accounts, 1, 6, 7, 10.
 Roads and Highways, 11, 15, 20, 26, 27, 28, 39, 40, 41, 211, 213, 214, 215, 221, 224, 227, 232, 233, 257, 260, 263, 282, 284.

Q.

Qualification of Candidates and Voters *re* Elections, 198, 199, 201, 202, 204, 205, 206, 207, 209, 219, 220, 222, 226, 285.
 Quarter Sessions, Court of, 18, 237.
 General, 27, 33, 69, 122; Home District, 134, 138, 144, 180; Johnstown District, 147, 148, 153, 156, 158, 159, 175, 220.
 Quebec, Division into Upper and Lower Canada, 87, 88, 97.
 Duties at Port of, 1, 3, 4, 6, 13, 14, 53, 76, 119, 256, 265, 271.

R.

Rates and Assessments, Collection of, 230, 236, 247, 254, 255, 258, 260, 285.
 Receiver-General, Salary in Lieu of Poundage, 7, 8, 18, 21, 27, 28, 70, 238, 239.
 Registration of Deeds, etc., 17, 19, 24, 27, 28, 29, 32, 36, 37, 41, 42, 162, 165.
 Religious Societies, 21, 23, 117, 119.

Resolutions, *re*, Address to His Majesty the King, 127, 128; Boundary Line, 240, 242; Church of Scotland, 215; Financial Concerns of Upper and Lower Canada, 13, 14, 15, 45; Foreign Protestants, 114; William Halton, 9; War Indemnity Claims, 255, 256, 257.

Returning Officers, Act to provide for, 202, 203, 282.

Revenue Collected under British Statutes, 76; from Duties Collected at Port of Quebec, 1, 3, 6, 14.

Laws, 17, 20, 33, 35, 41, 42.

Provincial, 25, 33, 35, 71.

Richmond, Archibald, 158.

Ridout, Thomas, Memorial of (Surveyor-General), 43, 44.

Roads and Highways, 11, 15, 20, 26, 27, 28, 39, 40, 41, 211, 213, 214, 215, 221, 224, 227, 232, 233, 257, 260, 263, 282, 284.

Robinson, John B., 45, 63, 77, 89, 92, 93, 98, 103, 129.

Royal Assent to Bills Passed, 69, 70, 111, 179, 180, 181, 282, 283, 284, 285.

S.

St. George's Church, Kingston, Act *re* Surrender of Lands, 161, 164, 165, 166, 181.

St. Lawrence River Survey, 250, 253, 284.

Schools, Establishment of Common, 230, 234, 235, 238, 243, 244, 245, 283.

Bathurst District, 113, 115, 116, 117, 179; Niagara, 126, 128, 135, 151, 155, 180; Ottawa District, 111, 112, 179.

Scott, Thomas, 1, 3, 5, 6, 7, 8, 10, 12, 15, 17, 18, 19, 20, 21, 22, 23, 27, 30, 31, 32, 34, 36, 37, 38, 39, 40, 42, 44, 47, 50, 52, 58, 59, 63, 66, 69, 75, 78, 82, 126, 192.

Scows, rafts, etc., Duties imposed on 97.

Secretary, His Majesty's Principal for Colonies, 7, 82, 83, 110, 223, 277.

Sedition Act, 8, 20, 55, 56, 57, 58, 59, 69, 82, 197.

Sergeant-at-Arms, Allan McNab, 250, 266, 269, 272, 274.

Sheep, *re* running at large, 27, 33, 69.

Sheriffs, provision for, etc., 5, 6, 11, 12, 15, 16, 17, 18, 43, 44, 48, 70; Bathurst District, 113, 115, 116; Ottawa District, 198.

Sherwood, Levius P., 9, 13, 17, 33, 35, 39, 42, 44, 47, 50, 52, 54, 55, 60, 68, 109, 114, 117, 118, 121, 124, 135, 141, 142, 144, 151, 153, 155, 156, 159, 160, 161, 162, 166, 172, 173, 176, 178, 193, 196, 198, 205, 207, 210, 215, 216, 219, 222, 223, 224, 225, 234, 238, 240, 247, 249, 250, 253, 255, 259, 260, 264, 265, 266, 268, 270, 272, 273, 274, 275, 276, 278, 280, 281.

Ships, British and American, 101.

Shop Licenses, 227, 230, 233, 283.

Smith, Jacob, Relief of, 147, 152, 153, 168, 170, 171, 172, 174.

Smith, James, Relief of, 134, 138, 147, 151, 152, 153, 156, 168, 170, 171, 172, 174, 175, 176, 177, 178, 180.

Smith Township, 221.

Smuggling, 193.

Spafford, Hiram, Relief of, 134, 138, 147, 151, 152, 153, 156, 168, 170, 171, 172, 174, 176, 177, 202, 203, 248, 249, 250, 282.

Specie, Banks to redeem notes in, 263, 264, 272, 273, 274, 284.

Speeches from the Throne, *See* "Addresses."

Spiritous Liquors, Duties on Stills and Distillation, 141, 147, 180; License to Wholesale Dealers, 227, 233, 283; Prohibiting sale to Indians, 52, 57, 58, 60, 132, 133, 138, 143, 146.

Statutes at Large, 269, 282.

Provincial, printing, etc., 258, 261, 263, 284.

Stills, Admeasurement of Wooden, 141, 147, 180.

Strachan, John, 1, 2, 3, 4, 5, 6, 7, 8, 10, 12, 14, 15, 16, 17, 18, 19, 20, 22, 23, 25, 26, 27, 30, 31, 32, 34, 36, 37, 38, 42, 44, 47, 49, 50, 52, 56, 58, 59, 62, 63, 64, 66, 67, 68, 69, 75, 76, 78, 79, 82, 83, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 126, 128, 130, 132, 134, 135, 136, 142, 144, 148, 150, 154, 156, 161, 163, 164, 166, 169, 173, 175, 177, 178, 179, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 199, 200, 202, 203, 205, 206, 207, 209, 211, 212, 213, 214, 216, 217, 218, 219, 220, 222, 223, 225, 226, 228, 229, 231, 232, 235, 236, 239, 240, 242, 243, 244, 245, 248, 249, 253, 254, 258, 263, 266, 267, 271, 273, 275.

Surrogate Court, Probate and, 143, 149, 151, 168.

Surveyor-General, Fees for Surveys, etc., 43, 44, 63, 64, 65, 66, 70.

Swine, Running at Large, 23, 24, 26, 27, 33, 69.

T.

Taxation, Direct, 257.

Waste Lands subject to, 261.

Taxes, 229, 256.

Tea, Importation of, 193, 194, 198, 199, 262, 265, 266, 268, 275.

Tecumseth Township, Petition of Inhabitants, *re* Bridge, 210, 212.

Timber, 98.

Tobacco, Cultivation of, 225, 226, 229, 231, 238, 239, 262, 265, 266, 271, 277, 278; Provision for branding or marking kegs of, 237.

Toronto, Change of Name from York, 62, 66.

Town Clerk, 201.

Officers, appointment of, 224, 227, 228, 283.

Trade Act, Canada, 84, 98, 99, 100, 101, 102, 103, 187, 204, 207, 209.

Trade and Navigation, 48, 50.
 And Plantations, 88.
 Regulation of, 98, 101, 187, 188, 190,
 253, 255, 284.
 Tranquility of Province, 8, 20, 55, 56,
 57, 58, 59, 69, 89, 197.
 Treasurers, District, 140.
 Treasury, Lords, Commissioners of His
 Majesty's, 7, 87, 88, 102, 103, 167,
 204, 208.
 Of Lower Canada, 14, 94, 98.
 Provincial, 187, 256.
 Trial of Offences Committed without the
 limits of any described Township or
 County, 109, 111, 177.
 Townships, Schedules of new, 65, 66, 70.

U.

United States, Claims of Sufferers from
 late war with, 81, 166, 170, 173, 174,
 175, 181, 182, 229, 233.
 Commercial Intercourse with, 47, 48, 50,
 57, 59, 162, 165, 193, 194, 209, 210,
 218, 219, 222, 223, 282.
 Upper Canada, Address to His Majesty,
re Relations with Lower Canada, 53-
 55; as to Union of Provinces, 140,
 145, 146.
 Adjustment of Claims against Lower
 Canada, 1, 3, 4, 54, 87-92, 132, 142.
 Agreement with Lower Canada, 1, 3,
 13, 14, 53, 71, 89, 90; made at Mont-
 real as to Regulation of trade, 250,
 253, 254, 255, 283.
 Arbitration, *re* Affairs with Lower
 Canada, 140, 142; Arbitrator, remun-
 eration of, 253, 284; Arbitrators'
 Decision, 80.
 Bank of, Bill, 123, 124; Incorporation
 of, 39, 41, 42, 69; Petition of Presi-
 dent, Directors and Company, 121;
 Provincial Funds invested in, 119,
 122, 123.
 Commercial Intercourse with Lower
 Canada, 14, 93, 127; with the United
 States, 47, 48, 50, 57, 59, 162, 165,
 193, 194, 209, 210, 218, 219, 222, 223,
 282; Relations with Lower Canada,
 21, 23, 24, 70.
 Commissioner, Appointment of (John
 B. Robinson), 45, 48, 52, 56, 58, 59,
 64, 75, 80; Communication from, 84-
 109; Detention in England, 129; Let-
 ter from as to appointment, 63;
 Thanks for Distinguished Service,
 124, 150.
 Commissioners, 5, 21, 23, 24, 90; Re-
 munerations of, 21, 23, 24, 70; Report
 of, 5; Resolutions, *re* Report, 13, 14.
 Division of Quebec into Lower and,
 87, 88, 97.
 Financial Concerns and Interests with
 Lower Canada, 1, 3, 13, 30, 31, 32,
 33, 34, 35, 45, 46, 47, 49, 50, 51, 52,
 54, 55, 56, 58, 85, 92.
 Gazette, 212, 216, 221.

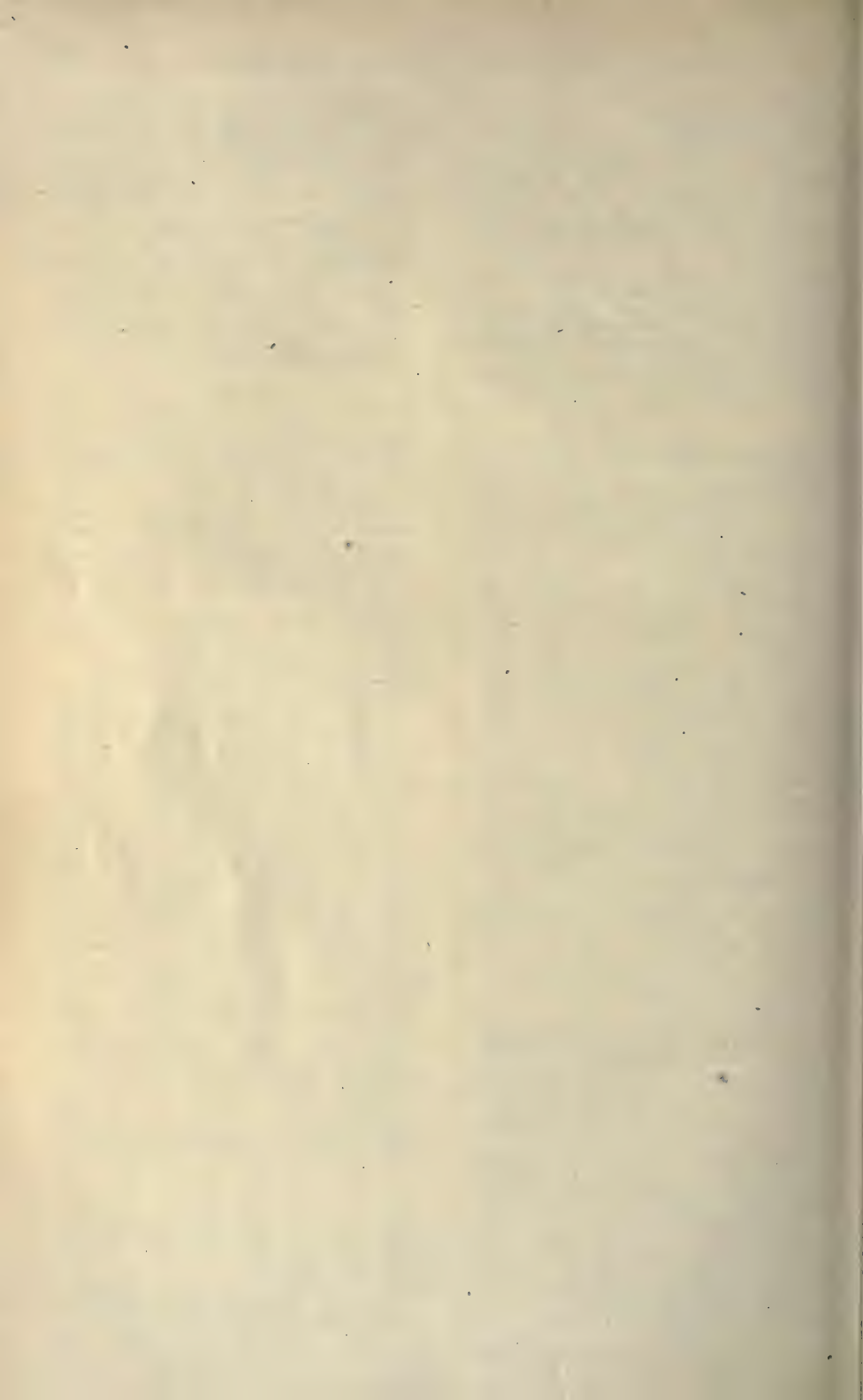
Legislative Union with Lower Canada,
 75, 80, 85, 92-108, 118, 119, 120, 123,
 125, 126, 127, 140.
 Pretended Bank of, at Kingston, 143,
 149, 154, 156-159, 163, 170, 172, 173,
 180, 192, 213, 233, 240, 251, 273, 274,
 282.
 Provincial Union, Address to His
 Majesty, *re*, 140, 145, 146.
 Regulation of Trade and Survey of
 St. Lawrence, 250, 253, 254, 255, 283,
 284.
 Union with Lower Canada, 75, 80, 85,
 92-108, 118, 119, 120, 123, 125, 126,
 127, 140, 145, 146.

W.

War of 1812-1814, Compensation for
 Losses Sustained in, 81, 166, 170,
 173, 174, 175, 181, 182, 229, 233, 256,
 268, 270, 271, 280, 281.
 Sufferers from, 271, 280, 281.
 Weeks, William, Trustees for Estate of,
 31, 36, 37, 38, 42, 60, 69.
 Weights and Measures, Uniformity of,
 127, 128, 135, 137, 141, 150, 162, 165,
 169, 181.
 Welland Canal Company, Incorpora-
 tion of, 210, 211, 218, 220, 221, 223, 282.
 West India Trade Bill, 101.
 West Indies, 98, 99, 100.
 Wells, Joseph, 1, 2, 3, 4, 5, 7, 8, 10, 12,
 15, 17, 18, 19, 20, 22, 23, 26, 27, 30, 31,
 32, 34, 36, 37, 38, 39, 40, 42, 44, 45, 47,
 48, 50, 51, 52, 53, 59, 60, 63, 64, 66, 69,
 75, 77, 78, 79, 81, 82, 83, 109, 110, 111,
 112, 113, 114, 115, 116, 118, 120, 121,
 123, 125, 126, 128, 130, 132, 134, 138,
 141, 142, 144, 148, 150, 151, 154, 161,
 163, 164, 167, 169, 173, 175, 176, 178,
 179, 187, 188, 189, 191, 193, 194, 197, 199,
 200, 202, 205, 206, 208, 209, 210, 211,
 212, 214, 217, 218, 220, 222, 223, 225,
 228, 232, 235, 236, 242, 244, 247, 248,
 251, 253, 254, 258, 263, 265, 267, 270,
 271, 273, 274, 275.
 White, John, Relief of, 31, 35, 36, 38, 70.
 Whitney, Benjamin, 158, 163.
 Wills, Registration of, 17, 19, 24, 27, 28,
 29, 32.
 Wilmot, Mr., Under Secretary of State
 for the Colonies, 84, 85, 86, 92.
 Wilmot, R., 103, 129, 130.
 Winchester Measure, 127, 135, 137, 141,
 162, 165, 181.
 Western District, Petition of Inhabitants,
 209, 225.

Y.

Yonge Creek Bridge, Johnstown District,
 147, 148, 153, 156, 158, 159, 175, 220,
 223, 251, 252, 283.
 York, Town of, Change of name to
 Toronto, 62, 66; Establishing Market in,
 31, 34, 36, 46.





*Your most obedient and
most faithful servant
J^{ts} Simcoe.*

GENERAL JOHN GRAVES SIMCOE.

*From the John Ross Robertson
Historical Collection, Toronto.*



MRS. SIMCOE IN WELSH DRESS.

*From the John Ross Robertson
Historical Collection, Toronto.*

THIRTEENTH REPORT
OF THE
BUREAU OF ARCHIVES
FOR THE
PROVINCE OF ONTARIO

BY
ALEXANDER FRASER,
M.A., LL.D., Litt. D., F.S.A. Scot. (Edin.), F.A.G.S., etc.
Provincial Archivist

1916

PRINTED BY ORDER OF
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1917

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TORONTO

To His Honour COLONEL SIR JOHN STRATHEARN HENDRIE, K.C.M.G.,
C.V.O., LL.D., etc.

Lieutenant-Governor of the Province of Ontario.

MAY IT PLEASE YOUR HONOUR:

I have the pleasure to present herewith for the consideration of your Honour the Report of the Bureau of Archives for Ontario for 1916.

Respectfully submitted,

THOS. W. MCGARRY,

Treasurer of Ontario.

Toronto, 1917.

The Honourable THOMAS W. MCGARRY, Esq., K.C., M.P.P., etc.

Treasurer of Ontario.

SIR,—I have the honour to submit to you the following Report in connection with the Bureau of Archives for the Province of Ontario for 1916.

I have the honour to be, Sir,

Your obedient servant,

ALEXANDER FRASER,

Provincial Archivist.

Toronto 31st December, 1916.

CONTENTS

Letters of Transmission	iii and iv
Prefatory	vii
Introduction	3
Tour Through Canada <i>La Roche-Picquet</i>	15
Notes by an Anglo-Canadian	121
Correspondence by Lieutenant-Governor Simcoe	134
Additional Notes by Mr. Justice Riddell	145
Reference Notes	172
General Remarks	186

ERRATA AND ADDENDUM.

Page 7, line 6 from bottom, in the parenthesis read
"a noted woman preacher born in Rhode Island, 17
who formed a religious sect and assumed the title, 'The
Universal Friend.' She died in Ontario County, N.Y.

Page 34, Note on page 421, elide first two lines.

Page 145, Note *, for 177 read 172.

Page 173, line 22 from bottom, before "United
States" insert "the."

Page 157, line 25, elide all the sentence after "British
territory."

Page 164, last line, for "lords" read "bords."

Page 191, line 4 from top, for "Adel" read "Ad"

Report

OF THE

Ontario Bureau of Archives

PREFATORY

Following the precedents of 1904 and 1908 when the Report on the U. E. L. claims in Canada, and "Huronian," by Rev. A. E. Jones, LL.D., were issued by the Ontario Bureau of Archives, this year La Rochefoucault's Travels in Upper Canada is published.

The Bureau gratefully makes its acknowledgments to Professor J. Watson Bain, B.A.Sc., Toronto University, to whom it is indebted for permission to publish this most valuable material; and to whose father, the late James Bain, D.C.L., Chief Librarian of Toronto, the Ontario Archives owed much in years gone by.

La Rochefoucault-Liancourt visited Upper Canada in 1795. The account of his travels was given to the world in 1799, followed in the same year by a translation by Henry Neuman.

This translation was rather disappointing and when it reached Upper Canada naturally aroused anger in the young community in which personal attachment to Governor Simcoe was still strong. David William Smith, who had occupied a number of public offices including that of Surveyor-General, and was one of the best informed officials of the Province, traversed the narrative minutely and embodied his criticisms and corrections in a deliberately prepared manuscript, which for preservation he bound up with his copy of Neuman's translation. It forms part of this volume and for the first time is now made public as has been said through the courtesy of Professor Bain.

With a readiness characteristic of him where the history of his native Province is concerned the Honourable Mr. Justice Riddell undertook the task of editing the material thus made available. As a French scholar and as a keen student of Canadian history he has easily held an even balance between the author and the translator on the one hand and between the translator and the critic on the other, while adding much of real value to the work in his corrections and general notes.

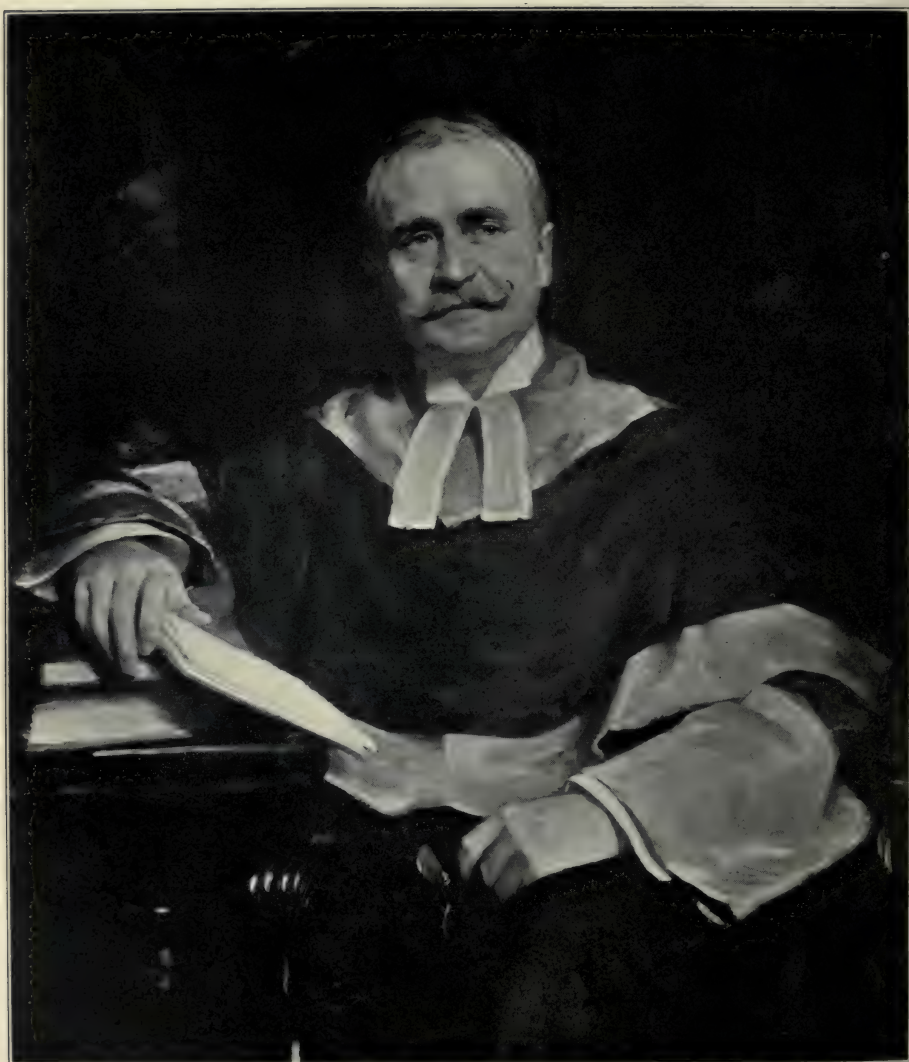
William Renwick Riddell was born near Cobourg, Ontario, and was educated at the Cobourg Grammar School, Collegiate Institute, and Victoria University. He graduated B.A., in 1874, B.Sc., in 1876, LL.B., 1878, and was Ontario Law School gold medallist and first in all his examinations. In his early years he was mathematical master in the Ottawa Normal School, and was called to the Bar in 1883 and to the King's Bench division of the High Court of Justice of Ontario in 1906. Throughout his life he has been interested in the study of historical and constitutional subjects, ancient and modern, and has specialized in the Canadian field. His books, brochures, pamphlets and fugitive sketches form a valuable collection of "Riddelliana" in public libraries, and testify to the extent and variety of his investigations into the history of the past. Honours have been showered upon him by Canadian and United States universities in recognition of his devotion in this respect. The Ontario Archives has found in him a constant friend, further evidence of which, it is expected, will be forthcoming in the near future.

To Mr. John Ross Robertson, Toronto, whose indefatigable labours have won for him a position which is quite unique in the field of Canadian history and antiquities, the Ontario Archives is indebted for the portraits which illustrate this volume.

ALEXANDER FRASER,

Provincial Archivist.

NOTE.—The figures printed in heavy black type which intersperse the book denote the pages of Neuman's translation and are given for the purpose of reference.



THE HONOURABLE MR. JUSTICE RIDDELL, LL.D., L.H.D., ETC.

LA ROCHEFOUCAULT-LIANCOURT'S
TRAVELS IN CANADA
1795

WITH ANNOTATIONS AND STRICTURES

BY

SIR DAVID WILLIAM SMITH, Bart.,

Sometime Deputy Surveyor-General, etc.,
of Upper Canada

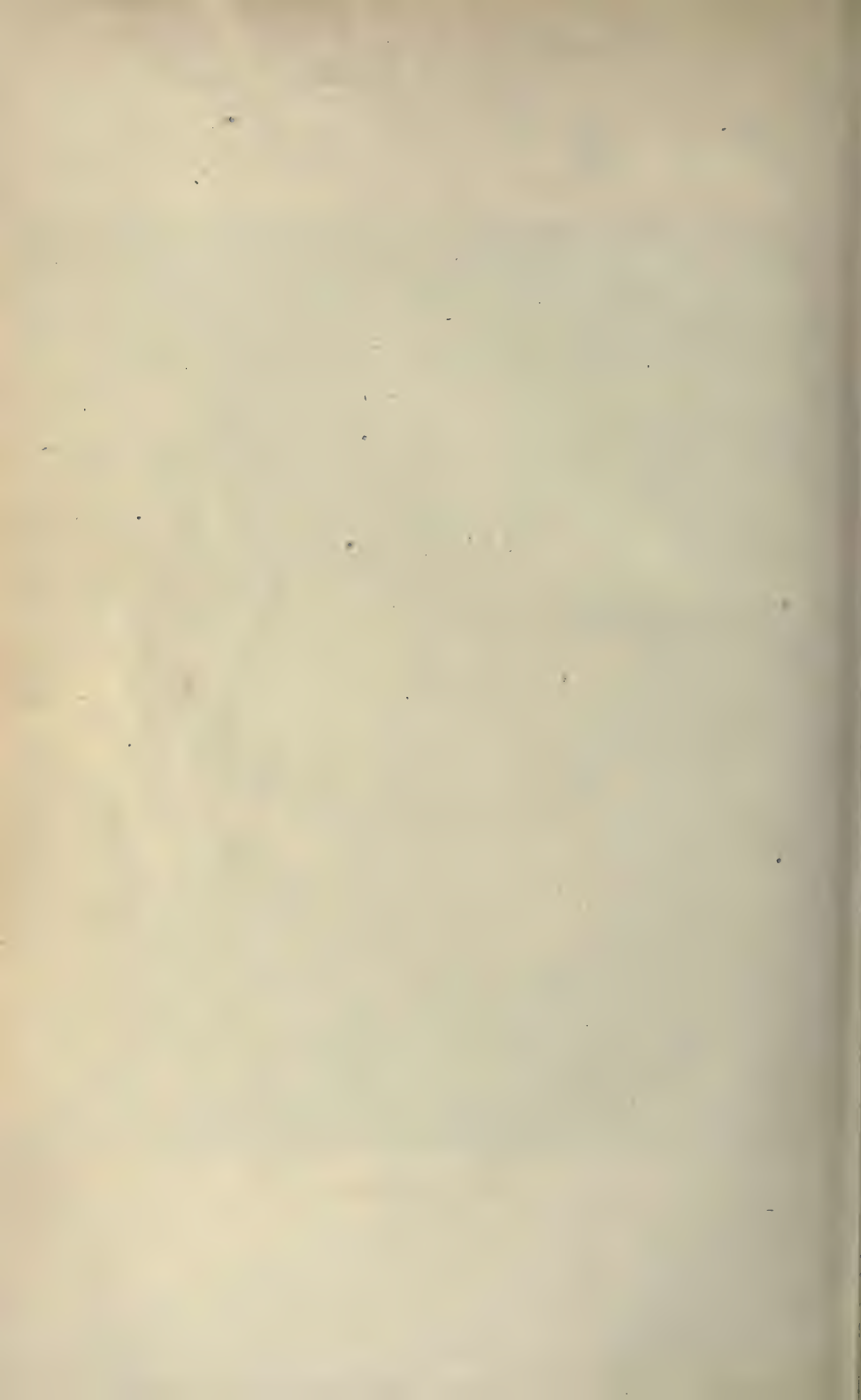
EDITED WITH NOTES

BY

WILLIAM RENWICK RIDDELL,

LL.D., F.R. HIST. SOCY., ETC.,

Justice of the Supreme Court of Ontario



INTRODUCTION.

The volume here reprinted is from the library of Sir David William Smith, Bart.; it was purchased in England by the late James Bain, Esq., D.C.L., and is now the property of his son, Professor Bain of the University of Toronto. The book is a leather bound 8vo., containing that part of La Rochefoucault's Travels which refers to Canada, followed by notes in Smith's handwriting.

I have indicated in notes certain passages in which the translation is not the same as the original, etc., and have added some further notes.

FRANÇOIS ALEXANDRE FRÉDÉRIC LA ROCHEFOUCAULT-LIANCOURT was born January 11th, 1747, the son of la Rochefoucault duc d'Estissac, Master of the Robes to the King of France.

The son became an officer of Carabineers, but fell out with Madame du Barry and at an early age left the Court of Louis XV and devoted himself to the care of his estate at Liancourt. There, after a visit to England, he established a model farm, importing cattle for breeding purposes from England and Switzerland: he also established a school of arts and trades for the sons of soldiers, which was the parent of the more famous school at Châlons.

He was elected to the States-Général in the stirring times of 1789, and appointed President of the National Assembly—it was he who warned the King of the perilous condition of affairs in the Capital, and replied to his statement that there was a revolt in Paris, "Non, Sire, c'est une révolution."

Rocheffoucault did his best for King Louis XVI, offered him a refuge at Rouen and gave him considerable money. His friendship for the unhappy monarch brought him into disfavour with the Revolutionists; and in August, 1792, he took refuge in England, where he was the guest of the well-known Arthur Young.

His cousin Louis-Alexandre having been assassinated, he assumed the title Duc de La Rochefoucault in 1792. Of this cousin he writes: "His inner consciousness induced him to slight the advice of friends given to him and to me . . . He would not leave France, but I, who was less confident and less virtuous, fled from the poignard while he fell by its stroke."

In the winter of 1794-95 he crossed to the American Continent, making, as he says, a "journey for philosophical and commercial observation" in North America. Arriving in Philadelphia, still the Capital of the United States, he remained there for some five months, during which time he made investigations which he afterwards incorporated in an

Account of the Prisons of Philadelphia, published in Philadelphia and Paris in 1796: ("Comparative View of Mild and Sanguinary Laws, etc., exhibited in the Present Economy of the Prisons in Philadelphia," 8vo., pp. 48: the Philadelphia edition is rare but the London reprint, 1796, turns up now and then in the second-hand book shops.)

He left Philadelphia, May 5th, 1795, and travelled through a great part of the more northern states and also Upper Canada until the summer of 1797. Some account of his travels will be given later.

In 1799 he returned to France, but was not received into the favour of Napoleon and so lived in some obscurity in Paris for a time. But he busied himself with philanthropic schemes, inaugurated the system of dispensaries, and introduced vaccination into the City. At the Restoration, he took his place in the House of Peers but failed to become Master of the Robes, an office which had been bought and paid for by his father. He became a member of the General Council of Hospitals and President of the Society of Christian Morals, taking a deep interest in the abolition of the slave trade and the suppression of gaming houses, lotteries, etc.

Created Inspector-General of the School at Châlons already mentioned, he continued in office twenty-three years, giving invaluable service. He was also an active member of several associations of an industrial and philanthropic character.

He had always a strong inclination toward Liberalism, which brought him into disrepute with Louis XVIII and the ultra-conservatives. At length in 1823, the reactionary Ministry of de Villèle removed him from his honorary offices, or at least most of them. The Academies of Medicine and of Science showed their appreciation of him and their disapprobation of the arbitrary conduct of the government—the latter by admitting him a member, the former by appointing him on a Commission on Vaccination to take the place of that of which he had been President, but which had been suppressed by the Administration. He did not live long thereafter, but died March 27th, 1827. During this interval nevertheless he established the first Savings Bank in France and inaugurated a system of schools for mutual instruction (in substance the Lancastrian system).

La Rochefoucault was a very voluminous writer; he published works on taxation, pauperism, public instruction, savings banks, prison discipline, etc., all displaying sound judgment and careful observation.

The work, part of a translation of which is here presented, was published in Paris in 1799. It is in eight volumes, 8vo., of about 350 pages each (my own copy is beautifully bound in contemporary calf with gold tooling). The title page reads: "Voyage | Dans | Les États-unis | d'Amérique | Fait en 1795, 1796 et 1797, | par La Rochefoucault-Liancourt | Tome—(Medallion representing a pastoral scene with a sheep suckling a lamb in the foreground). A Paris | chez du Pont. Imprimeur-Libraire, rue de la Loi. No. 1231 | Buisson, Libraire, rue St.-Thomas du Louvre | L'an VII. de la République."

THE TRANSLATOR.

The translation here reprinted was made in 1799 by Henry Neuman, a Professor of Languages in London, who in the same year published a *Marine Pocket Dictionary*, 12mo., in four languages and a *Translation of Kotzebue's Self-Immolation*, a play, 8vo. (from "Die jüngsten Kinder meiner Laune"). He is, however, best known by his *New Dictionary of the Spanish and English Languages*, 1806, 2 vols., 8vo., which, improved by Baretti (of Italian Dictionary fame), passed through at least ten editions and a "pocket edition."

His translation of La Rochefoucault's *Travels* has nothing to commend it. It is diffuse and turgid where the original is concise and clear: whole passages are omitted; some not wholly omitted are displaced, and not infrequently the translator fails to grasp the meaning of his author.

SIR DAVID WILLIAM SMITH, BART.

David William Smith, born September 4, 1764, was the only child of Major John Smith the well-known Commandant of Detroit (who became Commandant at Niagara in 1792) by Anne, daughter of William Waylen, of Rowde Hill and Devizes, Wiltshire. The son, born in the regiment, became a Lieutenant and afterwards a Captain in his father's regiment (the 5th Foot), and was appointed Deputy Judge Advocate at Niagara. On July 7th, 1794, *i.e.*, immediately after the institution of the Court of King's Bench in Upper Canada, he, then living in Newark, received a licence under the Act 34 Geo. III, c. 4, from Governor Simcoe "to be and appear as Advocate and Attorney in all and every of His Majesty's Courts." (This licence is copied at the back of the King's Bench Term Book, No. 2.) I do not find that he ever appeared in Court; he never became a Barrister or even a Member of the Law Society.

In 1792 he was elected a member of the House of Assembly in Upper Canada for Kent in the first Parliament of the Province, in 1796 for the second, third and fourth Ridings of Lincoln in the Second Parliament (when he was made an Executive Councillor), and in 1800 for Norfolk, Oxford and Middlesex in the third Parliament. He was Speaker in the second and third Houses.

In June 1799, being then Speaker as well as Acting Surveyor-General (which he had become in September, 1792) for the Province, he received leave from the House to go to Europe. He had not returned to Canada by the opening day of the succeeding session, June 5th, 1800, and Samuel Street was elected in his stead. Re-elected Speaker in the new Parliament, May 28th, 1801, he presided during that session and the next; but he was again absent in 1803, and Richard Beasley was elected. He went to and returned from England from time to time, and finally being allowed a pension of £200 sterling per annum from the Provincial funds (why? is a mystery) he went there permanently—he had resigned

his position of Surveyor-General in May, 1804, his health being impaired. He was made a Baronet in 1821 and died near Alnwick, England, May 9th, 1837, aged 73.

The last years of his life, he was manager of the estates of the Duke of Northumberland, who had been his patron as Lord Percy. No doubt it was the Duke's influence which procured him his title; no public service of any moment is recorded of him, although he had been Justice of the Peace, Judge of the Court of Requests, Master-in-Chancery, Speaker, Deputy Judge Advocate and Acting Surveyor-General.

Very many papers of his which are of extreme value in the early history of this Province are now in the Toronto Public Library on College Street: several others, of which the volume here reprinted is one, are the property of Professor Bain. Some account is given of Smith in "The Legal Profession in Upper Canada in its Early Periods," Toronto, 1916, pp. 181, 182.

Sir David was twice married, first to Anne, daughter of John O'Reilly, of Ballykilchrist, County Longford, by whom he had seven children, three dying in infancy, one son David William, of H.M.S. "Spartan," killed in action, and three daughters, who survived him. His second wife was Mary, daughter of John Tylee, of Devizes, banker, by whom he had one son and one daughter. The Baronetcy seems to be extinct.

THE EDITIONS.

Neuman's translation appeared in two forms. The quarto is quite common: it is in two volumes (Vol. I, xxiii+642+12 of Index: Vol. II, 686+9 of Index.) "Travels | through | the United States of North America, | the Country of the Iroquois | and Upper Canada | in the years 1795, 1796 and 1797 | With an authentic account of Lower Canada | by the | Duke de La Rochefoucault-Liancourt | Vol. I, containing the Tour through the Northern Provinces, Upper Canada and the Carolinas | with an account of Lower Canada, and a General Map | London | Printed for R. Phillips, No. 71 St. Paul's Churchyard | by T. Davison | Lombard Street, Fleet Street. | Sold by T. Hurst and J. Wallis, Paternoster Row, and by Carpenter and Co. | Old Bond Street | 1799." (The second volume has: "Vol. II | containing the Tour through Virginia, Pennsylvania, The Jerseys and | New York, a General View of the Commerce, Politics and Manners | of the United States; with two large maps and four large tables.") Not infrequently the maps are missing: my own copy is complete and bound in contemporary calf. The octavo edition is that which Smith possessed—it was also published in 1799 with a second edition in 1800. The title page is: "Travels | through | the United States | of | North America | the | Country of the Iroquois and | Upper Canada | in the years 1795, 1796 and 1797 | by the | Duke de La Rochefoucault | Liancourt | with an Authentic Account of Lower Canada | Three Maps, several Tables, etc. | London, R. Phillips, | 1800."

Smith's copy is of the first octavo edition, in which the account of Canada is to be found in Vol. I, pp. 380 to 591 (the end of the volume). In the quarto edition it is to be found in Vol. I, pp. 213 to 335; in the French original in Vol. II, pp. 1-236; in the second octavo edition of 1800 the same as in the first octavo.

OUTLINE OF THE CONTENTS.

An outline of La Rochefoucault's travels may be interesting. Volume I of the original edition (French) gives the account of his leaving Philadelphia, May 5th, 1795, with one Caleb Lownes and Mr. Guillemard, an agreeable young Englishman of Huguenot descent whom he had met in Philadelphia. He passes through Rocksburry (Roxborough) and Springmill to Norristown, thence to Trapp, Potsgrove, White Horse, Reading, Ephrata, Lancaster, Maytown, Middletown, Harrisburg, Sunbury, Northumberland, Berwick (Berwick), Wilkesbarre, Asylum. Asylum was a small town on the right bank of the Susquehanna which had been founded only about fifteen years before and was inhabited mainly by French refugees from St. Domingo and by French immigrants from France. Amongst them were M. de Blacons, deputy in the French Constituent Assembly for Dauphiné, who had since leaving France married Mdlle. de Maulde, late Canoness of the Chapter of Bourbourg, and with her was keeping a haberdasher's shop in partnership with M. Colin, formerly Abbé of Seigny, Archdeacon of Tours and "*Conseiller au grand conseil*": also M. Du Petit-Thouars, an officer of the navy, who, encouraged by the Constituent Assembly and assisted by a subscription, had, some years before, embarked on an expedition in search of de La Pérouse, the explorer, last heard of at Botany Bay, February, 1788. (Wreckage of his ships was fallen in with in 1826.) De Petit-Thouars was detained on the coast of Brazil by the Governor of the Island Fernando de Noronha, and sent with his crew to Portugal, from which he escaped to America, "where he lives free and happy, without property yet without want." (Later on and after this trip with La Rochefoucault he returned to France, obtained the command of a ship of the line, the *Tonant*, and was killed at the Battle of the Nile.) Both he and de Blacons now joined La Rochefoucault in his trip, du Petit-Thouars on foot. Passing Old Shehequeen, Tioga, Newtown (in New York State) where whiskey was a dollar a gallon, Painted-Post, Bath, Friends-Mill, settled by Friends or Quakers, but then dominated by Gemaima (Jemima) Wilkinson, who claimed to have risen from the dead and called herself the Amie universelle (All-friend)—here—^{see errata p. vi} he first met maple sugar, and de Blacons left him—then on to Williamsburg on the Genessee River where were some eighty families of German immigrants—Canandargué, Cananwaga, where they got a guide (a Canadian, Poudrit by name, with an Indian wife) to help them to traverse the "deserts" as they are called—a Seneca village,

then through the forest thirty-eight miles to Big Plain on the Buffalo Creek, where the mosquitos tortured the travellers, Tonnawanta, Buffalo Town to Lake Erie "a small settlement of four or five houses standing about a quarter of a mile from the Lake." The volume closes with an extraordinary story of the adventures amongst the Indians of an American, Mr. Johnson, who was taken prisoner by them in 1790.

Volume II is here reprinted (in Neuman's translation) as far as p. 232 of the original French edition. Then the voyage continues from Oswego up the River to the Falls, Three Rivers Point, Fort Brumpton, Rotterdam, Wood-Creek, Canada Creek, Fort Stanurix (Stanwix), Schuylertown, German's Flats, Little Falls, Palatine, "Shenectady," Albany (with 6,000 inhabitants, 2,000 slaves), Saratoga, Stillwater, Troy, Philipstown, Stevenstown, Lebanon, the "Shakings-quakers" Settlement, "Pitts-Fields," Northampton in Massachusetts, "Belleytown," Marlborough, where La Rochefoucault was taken very sick "in addition to the ague"; on recovering he went on to Cambridge and Boston, "the road from Marlborough to Boston is a continual village."

Volume III contains an account of Boston, of Captain Robert's Voyage to the South Sea in 1791, etc. Then the Duke set out with General Knox for St. George River, the General's home in Main (Maine) a sail of seventy-two hours; touching at "Glocester" they sailed up to Thomas-town where the General resided on "Waldo's Patent." Warren, Thomas-town¹ (Thomaston) and Waldoborough are described but Rockland was not yet—they travelled along the shore of Penobscot Bay, to Camden (called by the Indians Myganticok—the present Meganticook), Dugtrap Creek (Ducktrap Creek), Belfast, Brigadier's Island.

In October he left General Knox's hospitable roof for Boston by land, passed Thomas-town, Broad-bay, Nobleborough, Newcastle, Wiscasset, crossed the Kennebeck, thence through Yarmouth, Portland, Biddeford (Biddeford) and Berwick. Entering New Hampshire by Dover he went on to Portsmouth, Newbury-port (in Massachusetts), Ipswich, Beverley, Salem, Marblehead. Linn (Lynn) and back to Boston through Charlestown. He visited Plymouth (where he met General Warren²), New Bedford, Bristol—then to Rhode Island, Newport, Warren, Providence,

¹The railway station at Thomaston, Maine, of the Maine Central Railway is in what was originally one of General Knox's outhouses. General Henry Knox, born in Boston in 1750, early took an active part in the American Revolution. He fought at Bunker Hill and afterwards distinguished himself in many important engagements as subaltern, colonel and general. He was appointed Secretary of War by Congress in 1785, filling that position till 1795 when he resigned on account of insufficient salary. During part of this time he was at the head of the Navy Department also. He had a large grant of land in what was afterwards the State of Maine, but then part of Massachusetts near the present City of Rockland—he retired to this estate and there lived till his death in 1806.

²This was James Warren, an American Revolutionary leader born in Plymouth, Mass., 1726, died there 1808. A graduate of Harvard, he became a merchant in his native place, and took the side of the rebellious colonists. He was for a time paymaster in the American Army, also was Speaker of the House and had a seat on the Navy Board.

Scituate, Norwich, New-London—then to Connecticut, Lebanon, Hartford (Hartford) with 6,000 inhabitants, Middletown, Westfield, New Haven, whose “aspect on the whole is pleasing,” Fairfield, Nothvarck (Norwalk), Stamford, and then into the State of New York, Paulus Hook, Elizabeth Town (in New Jersey), Newark to New York, where he visited Aaron Burr, “one of the most amiable men I ever met.” New Jersey is then traversed, “Voodbridge,” Brunswick, Prince-town (Princeton), Maidenhead, Trenton, and across the Delaware to Philadelphia by way of Kensington. Thus he returned to the Pennsylvania city after a seven months’ journey, the fatigue of which made it necessary for him “to take some time for refreshment and repose.”

Volume IV describes his leaving Philadelphia March 26th, 1796, for South Carolina on a packet boat, one of his fellow passengers being “M. Elleword” (Oliver Ellsworth), who had been appointed Chief Justice of the Supreme Court of the United States on the resignation of John Jay (John Rutledge appointed by Washington failed of confirmation), and “to whom the Americans, most of them young, showed no more respect than to the negro waiter.” Arriving at Charles-town (Charleston), he describes the town, the forts, etc., pays tribute to the hospitality of its inhabitants and then gives an entertaining description of the Sea Islands and the main land of South Carolina. After remaining in Charleston twenty days, La Rochefoucault set out for Georgia in company with a French botanist, de Beauvois, each hiring a “little cabriolet and a little negro.” The caymans and rattlesnakes receive attention, panthers also—the slave mart of Savannah, the hostile Indians, Augusta “until 1794 the chief town in Georgia,” Louisville the existing seat of government with only about thirty houses—but a fever which he had caught in Savannah forced him to give up his project of visiting the back country of Georgia and Carolina. A description is then given of the Spanish settlements in Florida and Louisiana, but he did not visit these parts of North America.

May 2nd, he set sail from Savannah for Charleston and spent three weeks there, adding to his information materially. He describes rice-culture, the “freshes” (freshets) and goes extensively into the cotton products and general commerce.

He was not able to visit North Carolina, but he gives the information he received concerning that State from “M. Iredwell” (James Iredell), one of the Justices of the United States Supreme Court.

He left Charleston in a sloop of twenty-nine tons, passed Cape Fear and Cape Lookout, ran aground in Chesapeake Bay and at length reached Norfolk in Virginia (renowned for its malignant epidemics, yellow fever, etc.), then Hampton, “Yorck,” Williamsburg (the former Capital of Virginia), and Richmond. Here he notes the prevailing

*Once Vice-President of the United States—best known for his ambitious scheme of an empire in the South-west and his subsequent trial for treason before Chief Justice John Marshall of the Supreme Court of the United States.

passion for games of chance, the frequency of duels and (characteristically) the rigid enforcement of the laws against inoculation.

The journey continued from Richmond to Manchester by "the worst and most dangerous of all bridges," through "Osborne" to Petersburg on the Appamatox; and with his return to Richmond ends the fourth volume.

Volume V. June 20th, the Duke set off with Guillemard for Monticello, the residence of Thomas Jefferson,⁴ passed Dover, the "creek de Fuckhehoe" (Tuckahoe), into the county of "Gooekland" (Goochland), Milford, to Monticello. Jefferson's farm, his "machine à battre le bled" (threshing machine), his "machine à semer en paquets" (seed-drill), etc., come in for admiration, while his kind reception of the traveller is beyond praise. Then to Woods-tavern, Rockfish Mountain, Staunton, Keyssel-town, Pickering's which was "un gîte *comfortable*" but "il fait cruellement chaud," Winchester, Charles-town, across the "Potowmak," Harper's-ferry, into Maryland, Frederick-town, "Poplars's-pring," Annapolis, the seat of government, Ellicottsmill, Baltimore; leaving Baltimore by stage 4 a.m. of Monday, June 19th, stopping five or six hours at Wilmington, where he was unable to sleep for the bugs and fleas which swarm there, he arrived at Philadelphia on Tuesday at 8 a.m. On the way he saw a Virginian negro, born of negro father and mother, who had changed his colour and become white. He had been black till the age of forty, then the skin on the fingers close to the nails grew gradually paler and paler till it was quite white; on nearly all the rest of his body the same process had taken place.

After a short rest at Philadelphia he set off by stage for "New-York," stopping twenty-four hours in Trenton: then to Providence by way of "Stonning-town," and Newport (August 15th); then by stage again to Boston, forty-five miles, by "Patucket," Taunton and "Dehram" (Durham).

A second trip was made to Thomaston by sea (September 12th), and after a visit of twelve days, the Duke returned to Boston by way of Portsmouth, Exeter, Haverhill, etc.

Finally quitting Boston, he passed through Marlborough, Brookfield, Palmer, Springfield, Westfield, Stockbridge, to Kinderhook, entering New York State to Kingston ("formerly called Esopus"), "New Patz" (New Paltz), Newburg, New-Windsor, West-Point, Verplank-point, to "New-York." Mineralogical and other scientific observations close this volume.

Volume VI begins with the commencement of a journey from Philadelphia, March 26th, 1797, to Federal City. He passes Wilming-

⁴The second President of the United States—the estate is still known as Monticello; it is near Charlottetown, Virginia, the seat of the University of Virginia, founded by Jefferson. To us, Jefferson's most prominent characteristic is his hatred of Britain; but he is held in reverent memory (at least ostensibly) by the Democratic Party in the United States as the Father of Democracy.

ton, Brandywine-mills, Newcastle, Chester, Annapolis, and arrives at Federal City (which became Washington, D.C.) to which the seat of government was to be removed the first Monday of December, 1800. Then by water to Alexandria to Baltimore, Havre-de-Grace, Elk-town and Philadelphia again. A very full description of Pennsylvania, its history, constitution, laws (civil and criminal), prison system, commerce, banks, etc., with eleven pages devoted to the manners of the people of Philadelphia (who are "universally accused of possessing less hospitality than any other city in the United States," "et il est possible qu'ils méritent cette réputation," but this may perhaps be in part explained by the fact that "les quakers vivent entr'eux et vivent retirés"), completes the sixth volume.

Volume VII contains an account of a journey to Bethlehem and the Jerseys in June, 1797. Germantown and Quakers-Town lead to Bethlehem and the Moravian Brethren whose settlement is described—Nazareth, another Moravian settlement six miles from Bethlehem—Easton, Belvedere (of some twenty houses) Hacketstown, Morristown, Chatham, "Newarck"; then follows a description of New Jersey.

Next we have the account of a stay in "New-York" in August, 1797; here are set out at considerable length his observations on the laws, constitution, etc., of the State, and a description of the City—which "next to Philadelphia is the largest and the finest city in the United States," and whose inhabitants, "in point of hospitality hold a middle place between those of Philadelphia and those of Boston." Some 100 pages of general observations on the United States close the volume.

Volume VIII is entirely taken up with general observations on the United States, commerce, army, relations with the Indians, population, naturalization, coinage, constitution, etc., with many tables. The book concludes with a fervent prayer that France and the United States might draw closer to each other. "May highmindedness and good faith be the bonds which unite them! In international matters as in private life these are the most effective as they are the most honourable"—a prayer which the present writer fervently re-echoes, inserting before the word "France" the word "Britain."

I have carefully compared the translation with the first French edition (Paris, l'an VII, in eight volumes); and have at the foot of the page indicated some deviations from the original—all, I think, which are of any importance and some which may be considered unimportant—thus "Page 383 . . ."

I have not attempted to make the rhetorical, turgid and sometimes obscure English of the translator correspond to the concise, simple and clear French of the author: that would involve rewriting much of the book. In most of the instances in which the translator has misunderstood his author, I have noted the error—any omission in that regard will, I trust, be found to be of no moment.

In the print of Smith's manuscript, the capitalization and orthography have been carefully followed. It will be seen that many of the nouns are written with a capital letter—it is still the practice in German and was once almost universal in English to write all nouns with a capital letter—this custom persisted long even in print, and at least in manuscript well into the nineteenth century.

Some other important words are also capitalized, contrary to the modern usage. The opposite practice of writing gentile nouns with a small letter is found in our first Upper Canada law report, published in 1823, which speaks of "six nation indians," "indians" and "frenchmen." Taylor's Report of Cases in the Court of King's Bench, Upper Canada, York, U.C., *The King vs. Phelps*, 54 at pp. 59, 61, 62, 63 (although "Indian" and "French" are also found at pp. 57, 61, 64). Gentile adjectives are sometimes spelled by Smith with a small letter as is the French usage—this was not at all unusual in English till toward the middle of the last century.

The orthography of the French edition is the orthography of that day and calls for no comment; that of the English edition shows an uncertainty in the spelling of some words not at all without precedent, "dependant" or "dependent," "smoak" or "smoke," etc., etc. Sometimes a form is used which would not now be employed, e.g., "bason" [391], [398], [552], where we would now use "basin,"; "feldtspar" [571] is probably a mere mistake, as that form was not known in English.

The punctuation of the text closely followed in this reprint, is excessive, often obscuring rather than clarifying: it is seemingly without principle, except to throw in as many commas as possible.

Some English words are employed in a non-English sense, e.g., "expediting" [580], for "dispatching" goods, "certifying" [588] for "verifying," etc. It would almost seem that the translator was as little versed in English as in French—the words are, I think, always used in a sense etymologically correct but frequently not in accordance with usage (I am reminded of the recent use by a French gentleman of excellent English education and speaking English like a native, of the word "edification" in the sense of "house-building," a use wholly proper a century ago, but long out of date, etymologically correct as it is.)

I have availed myself of many sources of information: it would savour of ingratitude if I did not express specially my thanks to Mr. John Ross Robertson for his admirable edition of the *Diary of Mrs. Simcoe*, the notes to which are a mine of information concerning Upper Canada in those early days.

Amongst others, I am indebted to M. Fauteux, Librarian of the Sulpician Library, Montreal, and M. Arthur Robitaille, Professor of Botany, Laval University, for information concerning Lower Canada.

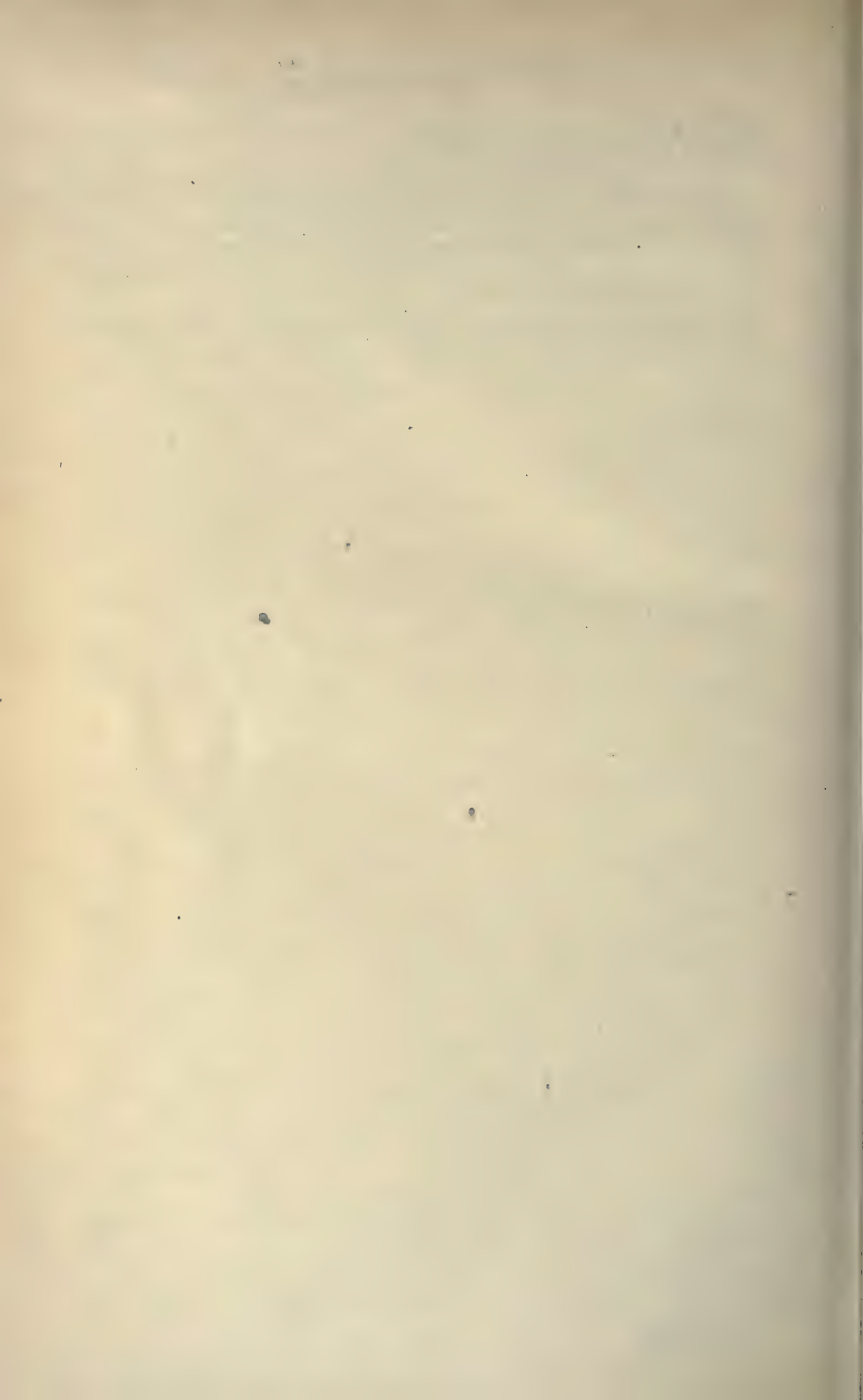
Professor Bain's courtesy in allowing me to use Smith's notes, etc., is on a par with his uniform kindness in permitting me the

full use of his library, containing, as it does, many valuable and rare volumes bearing on our early history.

It should, at all times, and especially in the present crisis, when the Empire is calling on all her sons, be a matter of pride to know how well Upper Canadians played their part in the infant days of our Province—the ignorant or malignant strictures of La Rochefoucault are harmless to darken the immortal fame of Simcoe, Butler and their fellows; but it is well not to allow them to remain unanswered. I am wholly convinced that his misrepresentations have had something to do with the international illwill long felt by many Americans toward the loyal North.

WILLIAM RENWICK RIDDELL.

Osgoode Hall,
October, 1916.





Francois Alexandre Frédéric La Rochefoucault-Liancourt.

*From the John Ross Robertson
Historical Collection, Toronto.*

TOUR THROUGH UPPER CANADA.

Saturday, the 20th of June, 1795.

[Page 380.] The vessels, in which we crossed the river Niagara, belong to the English, and are, for this reason, in a better condition than the major part of the American vessels or ferries, which are entirely left to the will and pleasure of the owners, without any public officer taking the least notice of their condition, and providing for the safety of travellers. The ferry consisted in a vessel of considerable capacity, the sides of which were one foot and a half high; it was tolerably staunch, and sufficiently large, to contain five horses without any apparent danger. The master of the vessel is directed to write down the names of the passengers; our's were already known. General Simcoe, governor of Upper Canada, informed of our journey by Mr. Hammond, the English ambassador to the United States, had long ago given notice by the post of our expected [381] arrival. Mr. Guillemard, who had crossed over on the preceding evening had announced our intended arrival on the next morning; and the Captain of an English frigate, which was receiving some repairs on the opposite bank, sent us his boat, as soon as he perceived us. Our guide, PONDRIIT, had preceded us to the river to call the ferrymen; and the ferry arriving sooner than the boat, of the destination of which we were ignorant, we stepped into the former. The passage from the American to the English side requires four or five minutes, and from the English to the American shore about a quarter of an hour. Fort Erie stands on the shore of the lake, about two miles above the ferry. The commandant had desired the captain of the frigate to supply his place, until he should be able to visit us himself. We thought it right to return this act of civility, by immediately setting out to present to him our passports. We did so, though we were not dressed to pay a visit of ceremony; but the rain having made our appearance still worse, we determined on drying our clothes at the inn, until the weather should clear up, and permit us to proceed to the fort. We were not yet dressed, when the commandant arrived at the inn, and invited us to dinner, acquainting us, at the same time, that he was directed to shew us every

Page 380. "Simcoe" is invariably written "Simcoë" in the original French.

Page 381. "Pondrit" is "poudrit" in the original. "Erie" is "Erié." The French word translated "frigate" is "frégate," which has a somewhat more flexible meaning than our word "frigate"—"vaisseau de guerre moindre que le vaisseau de ligne."

[382] civility in his power. This invitation was very agreeable to us; a dinner at a Governor's, after three day's travelling through woods, is a real feast. We accordingly attended him to the fort.

Fort Erie, as it is called, though we know not why,* consists of some houses roughly formed of wood, and surrounded with tottering palisadoes. It has neither a rampart, a covert-way, nor any other works. The buildings, which are all of them block-houses, are inhabited by the officers, soldiers, and a commissary of provision. Without the precincts of the fort, stand four similar houses, destined for the habitation of the workmen, and a large magazine, or store-house, belonging to the king. The upper story juts out beyond the ground floor, so that all who should attempt to approach the store-house, might be easily kept off with firelocks, by means of openings made in the upper story.† This fort is to be considered merely as a point of defence against the Indians for the British trade on the lake, at the extremity of which it stands. The term [383] FORT, in its usual import, cannot by any means be applied to this place, which is even now in a worse situation than formerly, since the impending surrender of the forts situated on the opposite shore to the Americans, leaves the English no alternative, but to have either no forts at all on this side of the lake, or to put those which they shall maintain in a respectable state of defence. Fort Erie is garrisoned by a company of the fifth regiment, the captain of which company is, at the same time, the commandant of the place. Captain PRATT holds this command at present; on account of his long service, he has been nominated major by brevet. The duty of the soldiers, who form the garrison, consists in standing sentries; but they are also obliged to serve on board the ships, which belong to the government. Almost all the provision, and all ammunition, without exception, come from England, and across the lakes. The navigation on the river Niagara ends seven miles above Lake Ontario, whence there is a land-conveyance as far as Chippaway, nine miles distant, where the navigation for boats and other small vessels recommences, extending as far as Fort Erie. Here the goods, destined for Fort Détroit, are laden in ships, navigated by soldiers from Fort Erie to Fort Chippaway. The return passage is [384] extremely difficult; and for this laborious task, they are allowed only fifteen shillings, to be distributed among five men, who compose the crew.*

*Dr. Morse says that Fort Erie is a *strong fortification*; an assertion which it is impossible to reconcile with the description given by the Duke, but by supposing it to have undergone considerable improvement since 1795.—*Translator*.

†Buildings of this construction are very common in the United States, as well as in British America: they are called block-houses.—*Author*. (This is part of the text in the French edition.)

Page 382. "Governor" is "Commandant" in the original; the mistake is the translator's. "Block-houses" in the original "log-houses." "United States"—"l'Amérique libre."

Page 383. "Chippaway"—"Chippawa."

*This, no doubt, is in addition to their pay as soldiers.—*Translator*.

The soldiers have a garden, where they cultivate the necessary vegetables, which by any other means they would not be able to procure. Their allowance of provision, which consists in a pound of flour, a pound of salt pork, four ounces of rice, and a little butter, a day, is, no doubt, paid for by the government at a very high rate; but to the soldiers it is delivered for two pence halfpenny a ration, which is deducted from their pay, amounting to six pence per day. All the troops, quartered in Canada, are treated in the same manner. Another company of the same regiment is at Fort Chippaway, and the remaining eight companies form the garrison of North Niagara†. Fort Détroit, and several other forts, which the English still hold in their possession, but which are to be given up to the Americans, are garrisoned by the twenty-fifth regiment. Fort Détroit stands at the end of Lake Erie, on [385] the strait or river, which separates it from Lake St. Clair. It was erected about the year 1740. The inhabitants are mostly French, and consist of about three hundred families. It is said to be in a very flourishing condition. About one hundred artillerymen are distributed in Détroit, Fort Niagara, and some other places, which I shall have occasion to mention. The troops generally remain seven years in Canada, during which time the garrisons relieve each other every year. But the war in Europe, and the fear of a rupture with America, have occasioned various alterations in these ordinary arrangements. The regiments now remain three years in the same place; a change, with which they alone are pleased, to whose lot it falls to garrison the small forts. For the same reasons, the regiments at present have but half their complements.

A store-house, belonging to a private gentleman, is also included within Fort Erie, but stands apart from the buildings, which appertain to government. In this magazine are warehoused all the goods, which come upwards, and are destined for Détroit, as well as those which go down the river to Niagara, Kingston, Montreal, Quebec, &c. They are forwarded to their places of destination, either in boats, when they go down the river, or in large vessels, when they are [386] destined for Détroit. The trade on Lake Erie is carried on in four or five merchantmen, besides three or four armed yachts belonging to the king.

Peltry is the chief commodity exported from Détroit; but we also saw several casks of very fine maple sugar, made by the Indians. We were informed, that the quantity of this article, which passes yearly through this place, is very considerable; but were not able to learn its exact value in money. The owner of the store-house hires, at times, about twenty Canadians, for the shipping and unshipping of the goods,

†Fort Niagara, as well as the other forts mentioned by the Author, were surrendered up to the Americans in July 1796.—*Translator*.

Page 384. "necessary" is an interpolation. "Fort Chippaway"—"Chippawa."

Page 385. "Three hundred families"—"Trois mille familles." "Kingston"—"Kingstown." "Montreal"—"Mont-Réal."

Page 386. "yachts"—"Sloops," a wholly proper designation.

for carrying them into the magazine, and transporting the boats by land to the lower country. The Canadians no sooner learned, that we were Frenchmen, than they expressed to us a satisfaction, attachment, and respect, repeated demonstrations of which our peculiar situation obliged us to avoid.

The Chippaway, a king's yacht, commanded by Captain HARA, arrived here during our residence in the fort. He had been seven days passing the strait, which ships frequently clear in two days.

Hard cash or specie is extremely scarce in this corner of the world. It can come only from Lower Canada, but they like to keep it in Quebec and Montreal. Nay, the paymaster of the [387] troops, on pretence that the conveyance is dangerous, sends no specie for the troops, though he receives their pay in hard cash. He could most certainly not refuse it to the paymasters of the regiments, if, for that purpose, they proceeded to Montreal or Quebec, where he resides. But to undertake this journey at the expense of the corps, would occasion too considerable a reduction from their money, which should reach its destination without the least diminution. He accordingly remits it in bills of exchange, which are paid in paper-money, that every one makes to any amount he chooses, and which nevertheless is universally received with a degree of confidence, equal to that which obtained in France in the second year of the revolution. There are *notes* of this kind of only two pence in value. They are small strips of paper, either written or printed, frequently without any signature, and mostly effaced and torn.

During our dinner several Indians arrived in boats. They formed a small camp on the banks of the river, which we visited on our return. We experienced from them the most cordial reception, to which, perhaps, the state of one of our companions, not dissimilar to that in which most of these drinkers of rum found themselves, contributed not a little.

[388]

Sunday, the 21st of June.

After a hearty breakfast on board the Chippaway frigate, where we learned, that this vessel, which is about four hundred tons burthen, and pierced for sixteen guns, cost five thousand pounds sterling!—a proof of the enormous price of labour in this country—we embarked for Chippaway. Major Pratt insisted on our taking our passage in a vessel belonging to government, as he had particular orders to that

Page 386. "Chippaway"—"Chippawa." "Hara"—"Haro." "Yacht"—"Sloop." "Seven days passing the Strait"—"Sept jours dans la traversée depuis le Détroit," i.e., "Seven days in coming from Detroit." "Montreal"—"Mont-Réal."

Page 387. "Montreal"—"Mont-Réal." "Two pence"—"deux sols," i.e., "two half pence." "Boats"—"pirogues."

Page 388. "Chippaway"—"Lotowha." "Four hundred tons"—"d'environ 40 tonneaux," i.e., "about 40 tons." "Chippaway"—"Chippawa."

effect. He manned it with six soldiers, who were excellent hands at rowing; and also directed Lieutenant FAULKNER to attend us as far as Niagara. No denial, on our part, could prevail with him to withhold this act of civility, which, even during my prosperity, would have embarrassed me, and which now bore the appearance of scorn rather than politeness. We were, therefore, obliged to submit, and to assume the air of persons, whose rank demanded this distinction. We were now approaching the prospect of the Grand Cataract of Niagara, one of the principal objects of our journey, and which I had long desired to see. We formed, every one of us, different ideas of this waterfall, according to our different powers of fancy; each stroke of the oars brought us nearer to it, and our attention being entirely [389] turned to discover the foam, and hear the noise, we took but little notice of the banks of the river, which, on the side of Canada, are tolerably settled, of the uncommon width of its channel, or the majestic course of its stream. At last we heard the noise, and perceived the spray. The weather was rather unfavourable, so that we could not, at any considerable distance, enjoy this grand spectacle. The rapidity of the stream, which is perceptible several miles from the falls, soon carried us to Chippaway. A whole mile before you reach that place, you must keep close under the shore, without which precaution the stream would soon involve the boat, and irresistibly hurl it to destruction. You must even make the utmost exertion in rowing to remount the Chippaway Creek, from which the fort takes its name.

We had no sooner landed, than, with the utmost impatience, we hastened to the falls, scarcely returning with due attention the civilities we experienced from Captain HAMILTON, commandant of the fort. We accepted, however, his invitation to dinner, which on our account he kindly deferred until four o'clock, mounted our horses, and, with Lieutenant Faulkner, proceeded to the falls. The distance of Chippaway from the falls, in a straight line, is but a mile and a half; but the banks of the river form so [390] many flexures, that the road, which winds along them, is three miles long.

At Chippaway the grand spectacle begins. The river, which has been constantly expanding from Fort Erie to this place, is here upwards of three miles wide; but on a sudden it is narrowed, and the rapidity of the stream redoubled by the declivity of the ground on which it flows, as well as the sudden contraction of its bed. The channel is rocky; and the interspersed fragments of rocks encrease the violence of the stream. The country is flat and even to this point; but here a range of white rocks arises on each side of the river, which is contracted

Page 388. After "demanded this distinction," the original text has "Nos chevaux ont été nous attendre au lieu où nous devions débarquer"—"Our horses were to await us at our point of debarkation."

Page 389. "Foam"—"vapeur," i.e., "spray." "Chippaway"—"Chippawa" (three times). (As this spelling is constant, we shall not again notice it.)

to half a mile's breadth. This range is a branch of the Alleghany mountains*, which, proceeding from Florida, previously to their reaching this point, intersect the whole continent of America. The river, more closely hemmed in by the rocks on the right, incroaching upon its channel, branches into two arms, one of which flows along the bank, formed by the rocks on the right; and the other, far more considerable, being separated by [391] a small island, makes straight on to the left, and sweeps through a bason of stone, which it fills with much foam and noise. At length, being again obstructed by other rocks, which it meets on its right, it alters its course with redoubled violence, and along with the right arm rushes down a perpendicular ledge of rocks one hundred and sixty feet high†, nearly half concave, and probably worn out by the incessant impetuosity of the waters. Its width is nearly equal to that of its bed, the uniformity of which is only interrupted by an island, which separates the two arms, rests unshaken on its rocky basis, and seems, as it were, to swim between the two streams, which rush down at once into this stupendous chasm. The waters of the lakes Erie, Michigan, St. Clair, Huron, and Lake Superior, and of the numerous rivers, emptying themselves into these lakes, incessantly replace the water that thus dashes down. The water of the falls tumbles perpendicularly on the rocks. Its colour is at times a dark green, at others a foaming white, brilliant throughout, and displaying a thousand variegations, as it is struck by the rays of the sun, or, according to the time [392] of the day, the state of the atmosphere, the force of the wind, &c. The water, which rushes down the rocks, rises in part in a thick column of mist, often towering above the height of the falls, and mixing with the clouds. The remainder, broken in its perpendicular descent by fragments of rocks, is in continual agitation; spouts and foams, and casts on shore logs of wood, whole trees, boats, and wrecks, which the stream has swept along in its course. The bed of the river, formed by the two ridges of rocks which extend a great way farther, is still more narrowed, as if part of this mighty stream had vanished during the fall, or were swallowed up by the earth. The noise, agitation, irregularity, and rapid descent of the stream, continue seven or eight miles farther on, and the river does not become suffi-

Page 390. "Alleghany"—"Allegany." After "the river," (where it occurs the second time on this page) the name is given in the original, "Saint-Laurent, ici nommé rivière de Niagara."

*This principal ridge of the Alleghany mountains, which extend north-east and southeast, nearly parallel to the sea coast, about nine hundred miles in length, and from sixty to one hundred and fifty and two hundred miles in breadth, is descriptively named *the back-bone of the United States*.—*Translator*.

†Other accounts say, that the perpendicular height at the cataract is only one hundred and thirty-seven or one hundred and fifty feet.—*Translator*.

Page 391. "Its width is nearly equal to that of its bed"—"Là elle tombe en formant une nappe presqu' égale dans toute son étendue," i.e., "there it falls in a sheet almost uniform throughout its whole extent."

"The waters of the falls"—"Les eaux des deux cascades."

"Brilliant throughout"—"Quelquefois absolument limpide," i.e., "sometimes absolutely clear," limpid.

ciently placid for a safe passage till it reaches Queenstown*, nine miles from the falls.

I crept down to the cataract; the descent is very difficult; perpendicular steps, hewn out of trees, caverns, and projecting rocks, the scattered fragments of which warn the traveller of the danger from the descent, without offering any hold, except some decayed bushes, which the imprudent adventurer who should place any dependence [393] on them, would carry with him into the unfathomed abyss. Every thing seems calculated to strike with terror; but curiosity is as heedless as any other passion. The certain prospect of a splendid fortune would hardly induce me to attempt, what I at this moment did from the mere impulse of curiosity. I frequently crawled along on both hands; the zeal with which I pursued my object gave me a dexterous activity, which I was not conscious of possessing. I several times abandoned myself entirely to chance, and thus I toiled a mile and a half to reach the foot of this stupendous cataract. The pleasing consciousness of having attained our end is the only reward of the exertions, by which we have obtained success. In the course of our life we frequently meet with similar instances.

Near this spot is a whirlpool, the spray of which drenches your clothes even at a distance. The columns of foam, arising from the falls, mix again with the descending stream. The bason itself is hidden by this thick cloud, and the tremendous noise, which is more violent here than anywhere else, is the only enjoyment to be attained. You may proceed a few paces on pieces of rock, lying between the column of water and the rocks from which it rushes down; but here [394] you are completely sequestered from the world, you are even deprived of the prospect of the falls by the column of water, which, by its density and motion, intercepts the free access of air to such a degree, that suffocation must unavoidably be the result of a long continuance in this place.

It is impossible to describe the impression, which this cataract made upon our minds. Fancy, which had long cherished the hope of viewing it, now offered pictures, which might seem exaggerated, yet were much inferior to the reality. To attempt a description of the impression we felt, would be equivalent to a description of the falls; an attempt far exceeding our powers. The enthusiasm, which seized my soul at the aspect of this magnificent spectacle, was too powerful to be weakened by our unpleasant journey back to the Fort; and it was not until I arrived at Captain Hamilton's, that I found leisure to notice my weariness, my hunger, my bruises, the miserable condition of my clothes, and the time of the day.—It was two o'clock.

*In Upper Canada, on the west side of the straits of Niagara.—*Translator.*

Page 393. "Foam"—"vapeurs."

Poor Lieutenant Faulkner, who thought himself obliged to attend *my Highness*, unfortunately partook not of my enthusiasm, but merely associated in my struggles with various obstacles, and bore his share of contusions and fatigue. In [395] spite of his excessive politeness, he seemed extremely sad and dull, until some glasses of wine had cheered up his spirits.

Captain Hamilton, commandant of Fort Chippaway, which is even inferior in strength to Fort Erie, was so kind as to detain us to dinner. The *ennui* naturally resulting from this dreary post, the most dull of any, is beguiled by the society of a handsome, sweet, and lovely wife, and six children, who constantly surround him. They both received us in that plain, cordial, and easy manner, which characterises persons who have constantly frequented the best society.

Chippaway was formerly the chief place of an Indian tribe, which now inhabit the borders of Virginia. The carriage rendered necessary by the water-fall and its continued effects ends here. Previous to the treaty of peace of 1783, vessels were laden and discharged on the other side of the river near fort Slusher*, opposite Chippaway.

Besides the barracks, here as at Fort Erie, are store-houses, which belong to government; and others appertaining to merchants. The whole village consists of a tolerable inn, and a small number of other houses; the stagnant water of [396] the creek renders it very unhealthy, and to this circumstance are imputed the endemic fevers which every year afflict the inhabitants of the place.

Monday, the 22nd of June.

We left Chippaway early in the morning, with an intention of once more visiting the falls. The rain, which fell in torrents, could not deter us from our design. I saw it now from a spot, from which Mr. de Blacons had viewed it the preceding evening, and to which he desired to conduct us. This place is known in the country by the name of Table-Rock, and forms a part of the rock over which the river precipitates itself. You here stand in the midst of its bed, and almost in the water, so that you can, with perfect safety, see the river rushing down at your feet; but, advancing only two paces, you would be hurried to destruction. On this spot you also enjoy the beautiful prospect of the foaming water dashing along over the rapids of the awful fall, from which you are not separated by any intervening object, and of the tremendous whirlpool, which engulfs it. It is *from this spot*, that this wonder of nature should be viewed, if you would see it but *from one spot*. But it ought to be contemplated from all sides; [397] your astonishment will constantly rise, and you will behold and admire in awful silence.

Page 394. "My Highness"—"Ma Grace."

*The author misnames the fort, which he calls fort Skuyler.—Translator.

Page 395. "Fort Slusher"—"Sekuyler."

The descent is more easy to the Table-Rock than to any other spot. It is much to be regretted, that the government of a people, which surpasses all other nations for fondness in travelling and curiosity, should not have provided convenient places for observing this celebrated phenomenon, at all possible points of view. It is pleaded in excuse, that the number of travellers, whom curiosity leads to this spot, is inconsiderable; that even they, who travel this way on account of business, and stop here to view the falls, are few in number; that only hunting Indians and idle children form the idea of creeping down to the falls; and that consequently nobody would be benefited by the money expended in providing an easy access. Yet all these pleas cannot justify a saving of thirty dollars, for which expense the greatest curiosity in the known world would be rendered accessible.

It is superfluous to mention, that, notwithstanding the severity of the winter in this country, the *cataract*, as well as the river above it are never frozen. But this is not the case with the lakes, and smaller rivers, which supply it with water. Enormous flakes of ice rush constantly down this cataract when the thaw sets in [398] without being entirely dashed to pieces on the rocks; and thus are frequently piled in huge masses, up to half its height. With the noise, occasioned by the falls, we were less struck than we expected; and Mr. Guillemard, as well as myself, who had both seen the Rhine-fall near Schafhausen, could not but acknowledge, that the noise it produces is far more striking. Yet, I must repeat it again and again, that nothing can stand the test of comparison with the Falls of Niagara. Let no one expect to find here something pleasing, wildly beautiful or romantic; all is wonderfully grand, awful, sublime; every power of the soul is arrested; the impression strikes deeper, the longer you contemplate, and you feel more strongly the impossibility of any expressions doing justice to your perceptions and feelings.

About a mile above the falls, two corn-mills and two saw-mills have been constructed in the large bason, formed by the river on the left. We examined, with peculiar attention, the most distant of them. It is the most remarkable chiefly on this account, that the logs are cut here into boards, thrown into the Chippaway creek near its mouth, and by means of a small lock conveyed into a canal, formed within the bed of the river by a double row of logs of timber, fastened together and floating on the water. The [399] breaking of these is prevented by other large barks floating at a certain distance from each other, which form, as it were, the basis of this artificial canal. The water retains in this canal the rapidity of the current, and conveys the logs into the lower part of the mill, where, by the same machinery which moves the saws, the logs are lifted upon the jack and cut into boards. Only two saws at a time are employed in this mill. The power of the water is

Page 397. "Table-rock"—"la tableroke."

Page 398. "Schafhausen"—"Shafousen."

Page 399. "Jack"—"chantier," i.e., "bed of the saw."

almost boundless, but the present wants of the country do not require a greater number of saws. The very intelligent owner of the mill has constructed it on a plan, which admits of the addition of a greater number of courses, according as these shall be required by an increased consumption. On the same principle he has built his corn-mill, which has at present only four courses. The miller's dues for grinding, as fixed by the legislative power, amounts to a twelfth throughout all Upper Canada, and for sawing logs to a moiety of the wood sawed.

In the course of last year a sulphureous spring was discovered at a few yards distance from the bank of the river, which was, however, filled up by the fall of earth crumbling from its verge. This spring has again of late shewn itself in the canal, which conveys the blocks to the mill. A stone [400] laid over the spring, prevents its water from being mixed with that of the river. On the approach of a fire-brand the vapour or steam kindles, assumes the colour of burning spirit of wine, and burns down to the bottom. Much time will probably elapse, before an enquiry shall be instituted, whether this spring be endowed with any medicinal powers.

An iron-mine, too, has lately been discovered near Chippaway creek. A company has associated for the working of this mine, and resolved on erecting an iron-forge in the vicinity of the falls. But this they dare not establish without the governor's permission; for the mother country still persists in supplying all its colonies with its own manufactures; and refuses to relinquish a monopoly, that has already cost it that part of America, which composes the United States*. But the company hope to obtain the desired permission.

The land all along the road from Chippaway to New York is seemingly good, though not of the best quality, and exhibits a considerable number of dwelling-houses. The grants of land, made by the government in this country, are some of them [401] of a recent, others of a more ancient date; the first settlements are hardly ten years old, and the major part only three or four. The houses, entirely built with logs, are better constructed, and more cleanly than in most other parts of the United States. The mode of agriculture appears to be much the same, as in other parts of the Union. The common price of land in this neighborhood is one pound, New York currency, or two dollars and

Page 399. "Four courses"—"deux paires de meules," i.e., "two run of stone." "Yards"—"toises," i.e., "fathoms." "Blocks"—"Arbres," i.e., "trees or logs."

*Impolitic disputes, chiefly relative to the right of taxation, not this monopoly, occasioned the dismemberment of the British Empire in America.—Translator.

Page 400. "That part of America which composes the United States"—"l'Amérique." "New York"—"Navy-Hall ou Newarck"—a mere mistake of the translator, or perhaps a misprint.

Page 401. "Than in most other parts of the United States"—"Que celles que l'on voit communément dans les États-Unis," i.e., "than are commonly seen in the United States"—the translator's mistake. "As in other parts of the Union"—there is nothing in the French text corresponding to this.

24^a



RESIDENCE OF ROBERT HAMILTON, QUEENSTON.

*From the John Ross Robertson
Historical Collection, Toronto.*

half an acre, if the proportion of the cleared ground to the wooded be as forty to two hundred, or nearly so. Peculiar circumstances, a favourable situation, more extensive buildings, &c., enhance the price. Throughout this whole tract of country, labourers are not easily procured; and they receive, besides their board, from five to six shillings per day. The winter continues only from the middle of December to the beginning of April.

The roads from fort Erie to Newark are tolerably open, and lie for the most part over a sandy ground, which renders it more easy to keep them in repair. The frequent passage to and fro, in this part the country, does not destroy them. Such commodities, as are destined for the upper country, are unshipped in Queen's Town, and goods, expedited from it, are embarked in this place. The different buildings, constructed three [402] years ago, consist of a tolerable inn, two or three good store-houses, some small houses, a block-house of stone, covered with iron, and barracks, which should be occupied by the regiment of General Simcoe, but which are now unoccupied, the regiment being quartered in another part of the province. Mr. Hamilton, an opulent merchant, who is concerned in the whole inland trade of this part of America, possesses, in Queen's Town, a very fine house, built in the English style; he has also a farm, a distillery, and tannery. This merchant bears an excellent character; he is a member of the Legislature of Upper Canada, but at present in England.

The portage was formerly on the other side of the river; but as this, by virtue of the treaty, falls under the American dominion; government has removed it hither. The whole country, though extremely sandy, is covered with oaks, chestnuts, and fine hickory trees, and such parts, as are better watered, bear, in common with all other parts of America, ash and maple-trees.

It was on this spot, that Mr. de la JONQUIERE, commissioned by the French Court to secure the free navigation of the lakes to French traders, formed his first settlements, which by permission, and under the protection of the Indian tribe of the Yonnowshouans, (who, with many [403] other tribes, have vanished from this part of the globe), were afterwards transferred to Niagara.

From the civil treatment we experienced, as soon as we reached the boundaries of the government of General Simcoe, we could not but

Page 401. "Newark"—Newarck" (this spelling will not again be noticed; it is uniform throughout the French text). "The frequent passage"—"Le passage assez fréquent des voitures," i.e., "the fairly frequent passing of vehicles." "Queen's Town"—"Queenstown."

Page 402. "The regiment"—"le regiment de chasseurs," i.e., "the regiment of Rangers."

After "an excellent character," the French text has "il est de l'espèce d'hommes la plus précieuse pour un nouveau pays," i.e., "He is the most valuable kind of man for a new country"—an encomium which all we know of Hamilton shows to be well-deserved. "Yonnowshouans"—"Yñowshouans."

expect a kind reception on his part; and yet the event exceeded our expectation. No sooner was he informed of our arrival, than he sent his adjutant-general to invite us to dinner. Having just alighted from his horse, he could not come himself. We accepted his invitation, and shortly after dinner, he entreated us to remain with him, to sleep in his house, and consider ourselves as at home. To refuse this invitation would have ill corresponded with the politeness of his conduct, of the sincerity of which we were convinced. By accepting it, we greatly promoted our own convenience, as we had no visits to pay in the town, which is full half a mile distant from the Governor's house, and could not but expect to be most agreeably entertained in his society, and to obtain from him the most satisfactory information respecting the country, which so forcibly engaged our curiosity and attention.

We soon understood, that we should be obliged to continue longer in Niagara than we originally designed. On my acquainting General Simcoe [404] with my intention to proceed to Quebec, he informed me, that, without the express permission of Lord DORCHESTER, it was not in his power to allow any foreigner to enter Lower Canada; he even shewed the Governor-general's positive orders to that effect, issued in the month of October, and occasioned by the conduct of some Frenchmen. Although the wise measures of prevention, adopted by the Governor-general, as well as all other steps tending to avert a revolution, met with my fullest approbation; yet I could not but find it extremely unpleasant, that Mr. Hammond in so positive a manner should have assured me of Lord Dorchester's perfect concurrence with him on the score of my intended journey. On his asserting that a passport, granted by him, was the only sufficient mean to enable a foreigner to proceed from the United States into Lower Canada, I entreated him, in addition to this passport, to write a letter to Lord Dorchester, who, by ordering the subordinate commander to let us pass, would have saved us a tedious delay in our journey, and the uneasiness naturally arising from our incommoding General Simcoe for such a length of time. Yet, we were necessitated to conceal our dissatisfaction, and wait until Lord Dorchester could send his [405] answer to Kingston, to which I requested him to direct it.

I employed my long residence in Niagara, to acquire some knowledge of the country, the attainment of which was greatly facilitated by the generous openness of Governor Simcoe.

So late as in the year 1791, the administration of Upper Canada was separated from that of Lower Canada. It formerly constituted a

Page 404. "that Mr. Hammond . . . Lower Canada," "que M. Hammond m'eût assuré avec tant de confiance, qu'il était convenu avec Lord Dorchester, et à la demande de celui-ci que son passeport serait le seul moyen et le moyen suffisant pour un étranger d'entrer des États-unis dans le Bas-Canada," i.e., "that Mr. Hammond had assured me so confidently that he had arranged with Lord Dorchester (and at Lord Dorchester's request) that his (Hammond's) passport should be a sufficient and the only means for a stranger to enter Lower Canada from the United States."

part of the province of Quebec. The administration of it was much the same as that of the English colonies, and depended entirely on the will and pleasure of the Governor; yet was undoubtedly here conducted with still more precaution, not only because Lord Dorchester, by all accounts, is a man of a mild and just disposition, but also because the lesson, given by the United States, will not prove altogether fruitless. The British Parliament, at the same time when it divided these two tracts of the province of Quebec into Upper and Lower Canada, gave them a representative form of government, which, though all the springs of this political machine are yet in the hands of the Governor-general, is framed in such a manner, that if this country should grow more populous, more opulent and enlightened, it will not prove an arduous task, to rescue the management of public affairs from this influence, which [406] at present is very great, and, in the actual state of things, perhaps absolutely necessary.

Lord Dorchester is Governor-general of the British possessions in North America; the governors of the different provinces are only lieutenant-governors; who, whenever he appears, yield to his superior authority; and are also responsible to him in all military affairs, if they be gentlemen of the army, which is by no means an indispensable qualification for the place of a lieutenant-governor. In regard to state-affairs of whatever nature and complexion, the lieutenant-governor corresponds immediately with the English ministry. It is from them he receives his order and instructions, without being obliged to communicate them to the Governor-general, who is not even possessed of the right, on leaving the different districts of his government, to give the smallest directions for what is to be done during his absence. For this reason the Governor-general, except when pressing military arrangements call him from the chief town of his government, constantly resides there, while the lieutenant-governor, who has no business in that place, keeps as much as possible at a distance from it. But as no accounts of any public expenditure pass, without being signed by the Governor-general, he possesses a powerful influence over all sorts of [407] operations and projects, which at least require his approbation; an influence that extends through all the different branches of his government.

The British possessions in North America are divided into Upper and Lower Canada, New Brunswick, and Nova Scotia. Only the first two of these provinces are governed by the new constitution. The others are governed as in former times.

The boundary between Upper and Lower Canada lies about one hundred miles above Montreal*. The extent of Upper Canada far ex-

Page 405. "Governor-General"—"des gouverneurs." Page 406. "State-affairs"—"les rapports civils," i.e., "in civil matters."

*The line between Upper and Lower Canada commences at a stone boundary on the N. bank of Lake St. Francis, in St. Lawrence River, in the cove W. of *Point au Boudet*, thence northerly to Ottawas River and to its source in Lake Tomiscaning, thence due N. till it strikes the boundary of Hudson's Bay or New Britain.—Translator.

ceeds that of Lower Canada, as, the western boundary being undefined, it comprises all the known and unknown countries, extending as far as the Pacific or Great Sea, and is bounded northwards also by unknown countries. The population of Lower Canada is estimated at about one hundred and forty thousand souls, and that of Upper Canada at thirty thousand, but this estimate seems rather high†.

[408] The leading articles of the new constitution of Canada are as follows:—

That the Province of Quebec be divided into two Provinces; Upper and Lower Canada.

That it have two houses of legislature; one hereditary; one elective.

That Upper Canada be destined for the reception chiefly of British settlers.

That the allotment of lands in Upper Canada be, under certain restrictions, left to the authority of the local legislature.

That the representative house of legislature be septennially elected.

That the clergy be provided for by an ample allotment of lands, amounting to one-seventh.

That certain titles of honour be connected with the right to a seat in the hereditary house of legislature.

That the liberty of introducing more or less of the municipal law of England be left to the discretion of the Provincial Assembly.

Upper Canada is a new country, or rather a country yet to be formed. It was probably for this reason General Simcoe accepted the government of it. He was fully aware of the advantages, which his native land might derive from such a colony, if it attained perfection; and imagined, that means might be found adequate to [409] this purpose. This hope was the only incitement, which could impel a man of independent fortune, and, as he says, of confined wishes, to leave the large and beautiful estates he possesses in England, and to bury himself in a wilderness among bears and savages. Ambition at least appears not to have been his motive, as a man in General Simcoe's situation is furnished with abundant means of distinguishing himself by useful activity, without removing to a great distance from his native country, where,

†Dr. Morse estimates the population of both these provinces at one hundred and fifty thousand souls. Lower Canada, in 1794, contained one hundred and thirteen thousand and twelve inhabitants.—*Translator*.

Page 407. "As the Western boundary being undefined, etc."—"Puis- qu'elle n'a du côté de l'ouest, pour bornes, que celles de la souveraineté anglaise, qui, dans l'opinion des Anglais, embrasse tous les pays connus et à connaître, etc.," i.e., "As it has on the West no boundaries except those of the English territory, which as the English think, embraces all the lands known and to be discovered as far as the Pacific Ocean."

Page 408. The Articles of the Constitution of the two Canadas as given by the translator are not at all those in the text; La Rochefoucault gives, section by section, a very fair abstract of the Constitutional Act of 1791, 31 George III., c. 31, covering nine pages of his work. "Probably" has no corresponding word in the French.

in such a case, he is almost sure of being forgotten. But, whatever have been his motives, his design has been attended with consequences highly beneficial.

The plan conceived by General Simcoe for peopling and improving Upper Canada seems, as far as he has communicated it to us, extremely wise and well arranged. The central point of all his settlements, and of the population of this country, he means to place between Détroit River and the plantations already established in Lower Canada, within a square formed by Lake Ontario, Lake Erie, Détroit River, and Lake Huron. From a supposition that the Fort of Niagara would certainly remain in the possession of the English, he at first intended to make Newark the chief town of his government. But, since it has been [410] decided*, that this fort is to be given up, he has been obliged to alter his plan. A chief town or capital must not be seated on the frontiers, and much less under the guns of the enemy's fort. He has since thought of York, situated on the northern bank of Lake Ontario, nearly opposite to Niagara†; it is in this place he has quartered his regiment, and he intends to remove thither himself when he shall withdraw from the frontiers.

York, from its extent, security, and situation, offers an excellent road. The communication between Lake Ontario and Lake Huron is facilitated by several rivers and small lakes. The surrounding territory possesses a good soil, and affords all possible means to improve the trade on the lake. Even in a military point of view its situation is very advantageous. The banks of Lake Ontario are likely to be first peopled by the Americans, and to become most populous; and Lower Canada will always prove to them an object of jealousy and envy rather than Upper Canada. On this ground it is extremely important, to choose a [411] situation, which renders it more easy to succour such points as are most exposed to an attack. Yet Governor Simcoe seems to have relinquished the idea of establishing his residence, and the seat of government, at York. He intends to remove them to the banks of a river, which is to be found in all maps under the name of De la Franche, and which he has named the Thames. This river, which rises between Lake Huron and Lake Ontario, but is not yet sufficiently explored, is supposed not to be far distant from the Miami or Great

*By the Treaty of 1794.—*Translator.*

†York, designed to be the seat of the government of Upper Canada, is situated on the north-west side of Lake Ontario, forty miles north by west from Niagara Fort, and one hundred and twenty west-south-west from Kingston.—*Translator.*

Page 410. "York"—"Yorck," always. "When he shall withdraw. . ." —"Pour s'éloigner de la frontière," i.e., "in order to withdraw, etc., etc."

"An excellent road"—"Une rade admirable," i.e., "an excellent roadstead."

Page 411. "de la Franche" (Smith corrected this with a pen, changing the initial F into a T, the original has the correct spelling.) "The Miami or Great River"—"La grande rivière," a mistake of the translator. "Four or five miles" is found also in the original French—of course an error in omitting "hundred."

River. It flows four or five miles in a south-west direction, and empties itself into Lake St. Clair. It is the Governor's intention to build his chief town, to which he has already given the name of London, about two hundred miles distant from the lake. A communication between this river and another, which falls into Lake Huron, may be easily established, in the vicinity of Gloucester, and by land-carriage a communication may also be opened with Lake Ontario. The Governor is at the same time master of these two lakes, as well as of Lake Erie, which, though fifteen miles distant, he can reach without any intervening portage, but one of three miles. Moreover, that part of Lake Erie, which lies nearest to the projected capital (Long Point), is exactly the most important point for the defence [412] of the lake, and on this point, which lies opposite to the American settlement on the peninsula, the Governor means to form a harbour, and erect considerable works for its protection. If the capital be situated on this spot, it will of consequence enjoy several advantages, besides those which York would afford. It stands nearer the centre of the expected population; is more remote from the parts belonging to the Indians; and the Governor intends to station the troops, which yet occupy the forts to be delivered up to the Americans, in the posts of Gloucester on Lake Huron, of Long Point on Lake Erie, of Michigan, in two or three towns, which are to be built on the banks of the Thames, and lastly in York. This intended capital is surrounded by all possible means of defence, and is so situated, that it may speedily give succour, wherever it may be wanted.

From the readiness which government displays in granting lands gratis, the Governor entertains not the least doubt of soon obtaining a numerous population. Many families, who at the beginning of the American war embraced the royal cause, have since the conclusion of peace settled on lands, which were bestowed on them gratis. The American soldiers, who fought under the same unfortunate banners, obtained also an indemnification in lands, on which most of them [413] have settled. All officers, who served in that war, are likewise entitled to some hundred acres, a certain number of which are already cultivated by them. The Governor is also sanguine in his hopes of procuring many colonists from the United States; he relies on the natural fondness of these people for emigrating, and on their attachment to the English government. There arrive indeed every year a considerable number of families from different parts of the Union; they do not all settle, it is true, but some remain in the country. He also reckons upon drawing numerous settlers from New Brunswick, who cannot endure the climate of that country. And lastly, the considerable emigration

Page 411. "In the vicinity of Gloucester," refers in the original to the point at which the river falls into Lake Huron. "Long Point" is that part of Lake Erie nearest to the projected capital, London.

Page 412. "On the peninsula"—"L'établissement de Presqu'isle," i.e., "the settlement at Presqu'isle." "of Michigan"—"à la pointe du lac Michigan," i.e., "at the apex of Lake Michigan." "Most of them"—"beaucoup," i.e., "many of them."

from Europe, which he fancies he foresees, affords him certain hopes of obtaining thence a very numerous population. Yet, by his account, the prevailing sentiments of the people render the admission of new inhabitants, who present themselves, rather difficult; especially of those, who come from the United States. For this reason, he sends such colonists, as cannot give a satisfactory account of themselves, into the back country, and stations soldiers on the banks of the lakes, which are in front of them. He would admit every superannuated soldier of the English [414] army, and all officers of long service, who are on half-pay, to share in the distribution of such lands as the King had a right to dispose of. He would dismiss every soldier, now quartered in Canada, and give him one hundred acres of land, as soon as he should procure a young man to serve as his substitute. With his views to encrease the population of the country, he blends the design of drawing young Americans into the English service, by which he will augment the number of American families, attached to the King of Great Britain. In the midst of these families of soldiers, which he intends to settle on the lakes, and on all the frontiers towards the United States, he means to place all the officers, who as has already been observed, have any claim on the lands. He proposes thus to form a militia, attached to the King from habit and gratitude; and this he considers as one of the most certain means for suppressing the disturbances, which might be excited by some disaffected new settlers, who inhabit the midland counties, and at the same time as one of the best measures of defence in case of an attack. By this plan of settling amidst the soldiers officers and gentlemen of respectable families, whom he hopes to attract from England, he wishes to form a class of gentry, and to promote more or [415] less the execution of the project, clearly discernible in the new constitution, to introduce into the two Canadas an hereditary nobility.

It is asserted that all Canada, vast as is its extent, produces not the necessary corn for the consumption of its inhabitants; the troops are supplied with flour from London, and with salt meat from Ireland. In General Simcoe's opinion Upper Canada is not only capable of satisfying the wants of all its inhabitants, but also of becoming a granary for England, and of creating a considerable trade by the exchange of this necessary of life for other commodities; nor does he entertain the least doubt, but that the activity, in agricultural pursuits, which he endeavours to excite in Upper Canada, will operate as a powerful example in regard to Lower Canada, and rouse it from its present supineness and indolence. He conceives, that the vast quantities of fish, with

Page 414. "Have any claim on"—"Ont droit à recevoir," i.e., "have the right to receive."

Page 415. What is called "Corn" in the translation, is of course not our Indian corn or maize: the French word translated "corn" is "bled" (in modern French "blé") which generically is "grain" but is here practically synonymous with "froment" "wheat" (I cannot understand why the translator has [587] given "rye" as a translation for "froment.")

which the lakes abound, and especially of sturgeons in Lake Ontario, afford the means of a successful competition with Russia, which supplies England with this article to a very considerable amount.

The corn-trade is, in his judgment, far preferable to the fur-trade, which appears to him at once unprofitable for Great Britain, and a means of oppression to Canada, in as much as it throws the whole trade into the hands of a few companies, [416] and at the same time renders them masters of the commodities, which are imported from England in return. It is his wish, that merchants may settle on Lake Ontario, in Montreal, and in Quebec; and, by the establishment of a corn-trade, destroy that monopoly which very justly excites his indignation; and he entertains hopes, that this will actually take place.

The maxims of government, professed by General Simcoe, are very liberal and fair; he detests all arbitrary and military government without the walls of the fort; and desires liberty to its utmost latitude, so far as is consistent with the constitution and law of the land. He is, therefore, by no means ambitious of investing all power and authority in his own hands, but commits to the lieutenants, whom he nominates for each county, the right of appointing the justices of the peace and officers of the militia. By this measure, he thinks, he shall be able to attach men of weight and influence to government, and subordinate officers to their superiors, and thus secure additional resources for preserving the good opinion and affection of the Canadians towards the British Government. All the justices of the peace, whose number is very great indeed, possess the right within their respective districts of assigning, in the King's name, to every settler, with whose conduct [417] and principles they are acquainted, a lot of two hundred acres of land. The surveyor of the district is informed by the justice of the peace of the grant, made in favour of the new colonist, and of the oath of allegiance, he has taken; on receiving which information he gives the new settler a certificate, pointing out that part of the district, where he is to find the land, allotted to him by the magistrate. If he should wish for a greater quantity of land, he must apply to the Executive Council.

From the present smallness of the number of the inhabitants of Upper Canada; which, however considerable the migration may be, for a great length of time will bear no proportion to the extent of country to be peopled; General Simcoe entertains not the smallest wish to enlarge his territory at the expense of the Indians; on the contrary, he receives with the utmost kindness those whom the Americans drive from their habitations; and this conduct is extremely wise. If, on the one hand, the policy of the United States require that, in the intermediate space between them and the English, there should not reside a people, who may prove dangerous from their extreme susceptibility of seduction, who cannot be useful on account of their small number, and who, being a

nation that lives by [418] hunting, demand a large tract of country for their subsistence; Governor Simcoe may, on the other hand, tolerate them, without the least danger, on the frontier of the English possessions, connect them by this measure more closely with England, and exasperate them against the Americans, in order to take advantage of their hatred in case of need; especially as he finds they will, at any time, cede to him whatever lands he may desire.

Although the fur-trade, in General Simcoe's opinion, is not so profitable to England, as many Englishmen imagine; yet he will not divide its profits with the Americans; who, by the surrender of the forts, acquire a share in the navigation of the lakes, and excellent harbours on their coast; and of consequence, are possessed of every means to participate in this branch of commerce. A communication, he thinks, may easily be opened between Lake Huron and Lake Ontario, by means of St. Joseph's River, which by relieving the fur-traders from the trouble and expense of the circuitous navigation of the Détroit River, of Lake Erie, of the Niagara River, and of a great part of Lake Ontario, would disappoint the United States in their hope of receiving in future, as they have hitherto done, any articles across the lakes from the forests, situate above [419] Lake Huron, and would at the same time free English ships from the necessity of passing by the forts of Détroit and Niagara, which are henceforth to belong to the Americans. Nay, he is of opinion, that a direct communication might be established between Lake Huron and St. Lawrence river, which would however require several portages, on account of the numerous rapids which interrupt the navigation of that river, as well as of the small lakes through which it flows.

The plan of military operation conceived by the Governor, in case of a war with the Americans, consists in chiefly drawing them into the English dominions, where, under the protection of his forts, he can fight them to greater advantage. He further intends to establish a respectable navy, composed of small vessels, mounting heavy guns, which no American yacht can dare to engage, and which, if a descent were openly attempted on the territory of the United States, would be well qualified to cover the landing. He also promises himself much from the assistance of his militia, with whom he would make considerable inroads into the heart of the enemy's country. The communication between Lake Huron and Lake Ontario appears to him still more necessary in time of war, as by means of this communication he intends to convey

Page 418. "On the frontier of the English possessions"—"*Derrière les établissements anglais,*" i.e., "behind the English settlements." "Across the lakes from the forest, situate above Lake Huron"—"*par les lacs des Bois, Supérieur, Huron,*" i.e., "by way of the Lake of the Woods, Lake Superior and Lake Huron."

Page 419. After "St. Lawrence river" is found in the French text, "*par la baie de Quenti,*" i.e., "by way of the Bay of Quinté." "yacht"—"*chaloupe.*"

into the latter [420] like the galleys, bomb-ketches and gunboats, which he purposes to build at another town, lying on the Thames, to which he has given the name of Chatham.

The views of Governor Simcoe, I mean those which concern the civil government, are undoubtedly extensive, and well planned. They are, in my judgment, the best which can be conceived, in his situation, as an English governor; and the possibility of their being carried into effect cannot be questioned, if he possesses the confidence of government, and has plenty of money to expend. He may also, in the execution of his plans, derive considerable aid from the soldiers, quartered in this province. He is aware of the indispensable necessity of habituating the troops to labour in a country, where he cannot hope to make them masters of a complex system of tactics, and where laborious habits peculiarly fit them for that sort of warfare, which is best adapted to the smallness of their number, to the enemy they have to combat, and to the difficulties they have to encounter.

But the execution of his projects is nevertheless, upon the whole, obstructed by numerous obstacles; the greatest of which consists in the Governor's determination to return to England at the expiration of five years. A plan of such vast [421] magnitude, and which comprises so great a variety of designs, can be carried into execution by him only, who was able to conceive it. From the very nature of the principles on which it is built, and the intimate connection of its various parts, the successful execution of such a project, supposes, on the part of the executor, besides a thorough knowledge of its structure and complexion, courage, order, and a laudable ambition of achieving arduous and useful undertakings; requisites, hardly to be met with in any person who may be sent to succeed this governor. If such a one be a man of moderate capacity, he will neither be able to pursue nor to execute a plan, which is not of a nature to be committed to subaltern officers; and if he be possessed of some parts, as is generally the case, self-love will dissuade him from pursuing a plan, laid down by another; and however positive and peremptory his instructions may be, at two thousand miles distance they will be easily evaded. Add to this, that fondness for military power, and the love of arbitrary authority are in every region of the globe the usual attributes of men in power. If, therefore, General Simcoe should execute his design of leaving Upper Canada, two years hence, he will hardly find sufficient time to lay the foundations of a plan, which appear to him, and I [422] think very justly, extremely well adapted to promote the prosperity of Upper Canada, and greatly enlarge the interests of Great Britain. The various branches of this plan, are so extensive and so numerous, that a long series of

Page 420. "If he possesses, etc."—there is no "if" in the original.

Page 421. "To pursue nor to execute a plan"—"*ni de suivre, ni d'exécuter un tel projet,*" i.e., "neither to pursue nor to understand such a plan."
 "Two thousand miles"—"*deux milles lieues,*" i.e., "two thousand leagues."

years, spent in the same spirit and unwearied exertion, will be requisite to execute it in its whole extent.

But he himself, I believe, would meet with impediments in the execution of his plan. Although General Simcoe is entirely independent of Lord Dorchester in all civil concerns, yet he is not so in regard to the military department, of which the quartering of the troops forms a part. He told me himself, that, in this respect, he feared to meet with opposition; and I incline to think, that on this subject he did not express all he knows. Unless the troops be stationed in such posts, as to cover and defend the projected capital, and the various settlements which he has in contemplation; unless they be kept to labour rather than military exercises, and unless those, who can find substitutes, be dismissed from service, his project fails in three very material points, which can hardly be accomplished by any other means.

Lord Dorchester is advanced in years, and, like all aged people, no friend of new ideas. Besides that he is fond of boundless power, the prevailing [423] disposition of the inhabitants of Lower Canada may excite in him a wish of drawing more troops into that province; and several hints, thrown out by General Simcoe, incline me to believe, that he thinks his Lordship has some such intention. The Governor may also, perhaps, be too sanguine in some of his expectations, or indulge delusive hopes.

As to the emigration from the United States to Upper Canada, I mean a considerable emigration, it appears not to me altogether so probable as to him. The free grant of lands seems at first sight a much greater inducement, than it actually is. The lands are indeed given away gratis; a certificate of the surveyor, granted by command of the Executive Council, gives the new settlers a right to the usufruct of these lands; but the property thereof is sooner or later transferred, according to the will and pleasure of the Council. To the best of my knowledge, none of these free grants include a transfer of the right of property. If an occupier of this description dies without issue, previously to his having acquired that right, his estate escheats to the King; no collateral friends or relations succeed in the possession of the estate; and, of consequence, the money and labour expended in its improvement and cultivation [424] have been spent for the benefit of the Crown. In the United States, a new settler, on purchasing a certain quantity of land, the price of which is to be paid by distant instalments, has a prospect of discharging them by selling again a small portion of his estate, the value of which he has doubled by cultivation; while the Canadian planter has to look for the permanency of his possession merely to the will and pleasure of the Governor; and, if

Page 423. After "usufruct of these lands," the original has "mais ils n'en reçoivent pas promptement les titres," i.e., "but they do not forthwith receive the title to them." "Transferred" means "transferred to the settlers."

Page 424. "The Canadian planter"—"le colon du Canada," i.e., "the settler in Canada."

he understand his interest, he will not place on him an implicit dependence. Interest and an acquaintance with substantial and respectable settlers may, no doubt, procure him, sooner, the right of property, and thus facilitate a second sale. But favours of this kind are always confined to a part of the estate, and depend on the arbitrary will of the Council. As long, therefore, as there shall exist no law, determining the period and terms of the investiture with these rights; the possessors will remain uneasy and insecure; and consequently the progress of improvement will be greatly retarded. Mines of every description, from gold down to pit-coal, which may be discovered in the lands, thus ceded, as well as all timber, which, in the judgment of the Surveyor-general, is fit for ship-building, are in all these grants reserved in favour [425] of the King. All these restrictions cannot but render a good settler very uneasy, and may, in the estimation of many people prone to emigration, far outweigh the advantages of a free grant.

The attachment to the King of Great Britain, which is frequently alleged as a ground for emigration, seems an empty dream. It is common with all Englishmen, who hold here places under government, to boast of this attachment of many inhabitants of the United States of every rank and description. On what grounds, this opinion rests, I know not; but it is certainly not warranted by what I learned in the United States. They there profess so loudly and uniformly principles, which indicate the exact reverse; that these professions ought doubtless to be considered as better pledges of the true sentiments of the Americans, than the assertions of a few Englishmen in place.

The families, who arrive here from the United States, emigrate most of them, it is asserted, from their being subject there to a tax, with which, however trifling it may be, they are yet displeased. If this be really the case, such a disposition cannot in future times prove favourable to Great Britain. We were also told, that General Simcoe, from his eager desire to people Upper Canada, is by no means difficult in regard to the [426] qualifications of the new settlers, who present themselves; and that, notwithstanding his aversion to speculations in land, and his personal disinterestedness; frequently a whole township, nay at times two or three together, are assigned to one and the same person.

The Governor is of opinion, that the trade of Upper Canada may be increased by the commodities of the Genessee district, for which he sees no other outlet, but by the river of St. Lawrence. This opinion, however, seems to have no foundation; when it is considered that Lake Oneida, the Wood-creek and Mohawk-river offer ready means for a water-communication with Lake Ontario and the North River; which is at present interrupted only at three places, where the boats are to be carried; and that the Americans, in every part of the Union, display the utmost zeal, activity, and industry, in every thing which tends to facilitate communication by water. But upon the whole the Governor's mis-

calculations, originating from national prejudices, are of too little importance to impede the execution of his project; they may perhaps protract its completion, but cannot occasion its failure. The true impediments are those, which I have before mentioned, and the chief obstacle is the Governor's return to England.

[427] The present population amounts, as I have already stated, to thirty thousand souls. The principal settlement is that of *Détroit*; which consists, entirely, of French families, and is mostly situated on a tract of land that, according to treaty, is to be given to America. The English flatter themselves, that the families, who have settled there, will remove from the American to the British side. But, if the conduct of the American government towards these families should be such, as the interest of America dictates; there remains but little probability, that they will leave their long cultivated estates, merely from a desire of living under the English dominion. The other settlements in Upper Canada consist in a very considerable colony, which stretches along the river from Fort Erie to Newark, is not fully occupied, and does not comprise a large extent of ground; in a few plantations on the creeks, which run into Lake Ontario from Newark up to its northern point; in an insignificant beginning of a settlement in York; and lastly in Kingston, extending along the banks of the River St. Lawrence to the boundaries of Lower Canada, which is the most populous of all.

As to the Governor's military plans, his measures of defence only are settled and determined; [428] his plans of offensive operation are so undefined and uncertain as not to deserve any mention.

The hatred of the Governor against the United States occasions him, on the slightest occasion, to overleap all the bounds of prudence and decency, which he carefully observes in all other matters. He was a zealous promoter of the American war, in which he took a very active, yet very unfortunate, part. The calamitous issue of the war has still more exasperated his hostility; and it was with the sincerest grief I listened to his boasting of the numerous houses he had fired during that unfortunate conflict, and of his intention to burn a still greater number in case of a rupture. In short, the whole of his intentions on this subject was such as the most violent party-rage alone can inspire. He told us, that, in case of another war with America, by expending vast sums of money, he would force them to expences equally great, which they would not be able to meet, and much less to support for any length of time; in short, wage against them a money-war. Yet he affirms in-

Page 427. After "thirty thousand souls," the original has "*et sans doute elle est très inférieure à cette estimation,*" i.e., "and doubtless it is much less than that estimate." "Its northern point"—"*la tête du lac,*" i.e., "the head of the lake."

Page 428. In Sir David's copy the word "unfortunate" before "conflict" is scored out—the words in French are "*malheureuse guerre.*"

cessantly, that it is his anxious wish to preserve peace with the United States. This he very justly considers as a powerful means of promoting the prosperity of his new colony. But his hatred against the rebels [429] is so violent; and his displeasure, occasioned by the surrender of the forts, is so strong; that the charge, preferred against him by the government of the United States, of his having last year assisted the Indians as much as he could, without making himself openly a party in the dispute, seems not devoid of foundation. By exciting this war, the successful issue of which he considered as certain, he attained the twofold purpose of satisfying at once his ambition and his revenge. He does not himself deny, that he had adopted the necessary measures for conducting to the district of Genessee all the Indians, who were at his disposal, and who, by his account, amounted to five thousand men—measures which would naturally have been attended with the firing of all the habitations, and the slaughter of all the inhabitants. A war, thus barbarous and destructive, would have been waged by England at the end of the eighteenth century; and the founder of a colony, in every other respect a man of generous and noble feelings, would have projected and prepared it. I should not have credited these projects, had I heard them stated by any individual but the Governor himself; or should I have ventured to introduce them here, but that, within my knowledge, he has repeatedly communicated them to several other persons.

[430] But for his inveterate hatred against the United States, which he too loudly professes, and which carries him too far, General Simcoe appears in the most advantageous light. He is just, active, enlightened, brave, frank, and possesses the confidence of the country, of the troops, and of all those who join him in the administration of public affairs. To these he attends with the closest application; he preserves all the old friends of the King, and neglects no means to procure him new ones. He unites, in my judgment, all the qualities which his station requires, to maintain the important possession of Canada, if it be possible that England can long retain it.

In his private life, Governor Simcoe is simple, plain, and obliging. He inhabits a small miserable wooden house, which formerly was occupied by the commissaries, who resided here on account of the navigation of the lake. His guard consists of four soldiers, who every morning come from the fort, and return thither in the evening. He lives in a noble and hospitable manner, without pride; his mind is enlightened; his character mild and obliging; he discourses with much good sense on all subjects, but his favorite topics are his projects and war, which seem to be the objects of his leading passions. He is ac-

Page 429. "Within my knowledge" is an interpolation of the translator.

Page 430. "Which carries him too far"—"*qu'il porte extrêmement loin*," i.e., "which he carries very far." "Commissaires, who resided here on account of the navigation of the lake"—"*Commissaires à la navigation du lac*," i.e., "Commissioners for the navigation of the lake."

quainted [431] with the military history of all countries; no hillock catches his eye without exciting in his mind the idea of a fort, which might be constructed on the spot; and with the construction of this fort he associates the plan of operations for a campaign, especially of that which is to lead him to Philadelphia. On hearing his professions of an earnest desire of peace, you cannot but suppose, either that his reason must hold an absolute sway over his passion, or that he deceives himself.

Mrs. SIMCOE is a lady of thirty-six years of age. She is bashful, and speaks little; but she is a woman of sense, handsome and amiable, and fulfils all the duties of the mother and wife with the most scrupulous exactness. The performance of the latter she carries so far as to act the part of a private secretary to her husband. Her talents for drawing, the practice of which she confines to maps and plans, enable her to be extremely useful to the Governor.

Upper Canada pays no taxes, except a duty on wine, amounting to four-pence per gallon on Madeira, and two-pence on other sorts of wine, and another of thirty-six shillings sterling a year for a tavern-licence, which, during the session of 1793, was encreased by twenty shillings Canada currency [432] [four dollars]*. The sum total of the public revenue amounts to nine hundred pounds sterling, out of which are paid the salaries of the Speaker of the House of Representatives and of the secretaries; the remainder is destined to meet the expence which local circumstances may require for the service and maintenance of society.

The justices of the peace determine in the quarter-sessions, as they do in England, the amount of the country-rates for the construction of public buildings, for the repair of the roads, and the maintenance of the army. (The last item is not yet known in Canada.) These rates are raised by means of a capitation or poll-tax, assessed in proportion to the probable amount of the property of the whole who are in the district, liable to contribute; the largest assessment on any individual exceeds not four dollars.

Page 431. "Which she confines to maps and plans"—"*qu'elle applique au tracé des cartes,*" i.e., "which she applies to, etc." "No taxes" is followed by "*à l'Angleterre,*" i.e., "to England."

*The value of money in Canada should, according to law, be equal to that which it bears in Halifax, and consequently a dollar be worth five shillings. This standard is strictly adhered to in all government accounts, but not so scrupulously observed in the course of private business. The currency, which circulates in New York, passes also, especially in that part of Canada which borders on New York.—*Author.*

Page 432. "Of society"—"*de l'assemblée,*" i.e., "of the Assembly." "The maintenance of the army"—"*le soulagement des pauvres,*" i.e., "the care of the poor."

[Note.*—"The currency which circulates in New York, etc."—"La division de la monnaie usitée dans l'État de New York prévaut surtout dans les parties du Canada qui avoisinent cet État," i.e., "The division of money as used in New York State prevails especially in those parts of Canada adjoining that State."]

On the same principle is raised the pay of the members of the assembly, who, on their return [433] at the end of the session, deliver to the justice of the peace of their district a certificate of the speaker, proving the number of days they have been present, and receive two dollars per day out of the money raised for that purpose, including the days they have been upon their journey.

The quarter-sessions are held in every district; and the division into districts is connected with the administration of justice. The justices of the High Court of Judicature for civil and criminal causes, who are three in number, including the chief justice, hold four sessions annually in the town in which the Governor resides. They also go on circuits in the different districts of the province once a year; judges for the different districts sit at shorter intervals to settle matters of little importance, and the justices of the peace exercise the same jurisdiction as in England.

A tribunal, composed of the Governor and two members of the Executive Council, form the Court of Appeal in such causes as have been decided by the High Court of Judicature. The Governor forms also, with the concurrence of an assistant, the choice of whom depends entirely on his option, a Court of Chancery for the decision of causes, concerning testaments, intestate heirs, orphans, &c.

Respecting the frequency and punishments of [434] crimes, Mr. WHITE, Attorney-general of the province, informed me, that there is no district, in which one or two persons have not already been tried for murder; that they were all acquitted by the jury, though the evidence was strongly against them; that, from want of prisons, which are not yet built, petty offences, which in England would be punished with imprisonment, are here mulcted, but that the fines are seldom paid for want of means of execution; and that the major part of law-suits have for their object the recovery of debts; but sometimes originate also from quarrels and assaults; drunkenness being a very common vice in this country.

The province of Upper Canada is divided into four districts of Détroit, Niagara, Kingston, and St. John's. The justices of the peace are selected from among those persons, who are best qualified for such an office; but, in a country so recently settled men worthy of this trust cannot be numerous.

The division of Upper Canada into counties is purely military, and relates merely to the enlisting, completing and assembling of the militia. The counties are about twelve in number. Their names, with which I am unacquainted, are not of sufficient importance to deserve

Page 433. "Proving"—"qui constate," i.e., "certifying."
 "Intestate heirs" (these words Sir David underlines) "intestats," i.e., "intestates."

Page 434. After "Strongly against them" the French has "*que ces meurtres avaient pour causes rancune invétérée pour argent dû et ivrognerie*," i.e., "that the causes of these murders were ill-will of old standing on account of debts, and drunkenness." "St. John's"—"Saint-John."

to be here mentioned. The militia of each county are assembled [435] and commanded by a lieutenant and second lieutenant; they must be divided into regiments and companies. They assemble once a year in each county, and are inspected by the captains of the different companies at least twice a year. Every male inhabitant is considered as a militia-man from the age of sixteen to fifty. He is fined four dollars if he do not enlist at the proper time; and officers, both commissioned and non-commissioned, who do not join their regiments at the time the militia are assembled, pay a fine; the former of eight dollars, and the latter of two. An officer, who, in case of an attack or insurrection, should not repair to his assigned post, would be punished with a pecuniary penalty of fifty pounds sterling, and a petty officer with a fine of twenty pounds sterling. A militia-man, who sells either the whole or part of his arms, ammunition, or accoutrements, is fined five pounds sterling; and, in default of payment, imprisoned for two months. The Quakers, Baptists, and Dunkers pay, in time of peace, twenty shillings a year; and, during a war or insurrection, five pounds sterling, for their exemption from military service. Out of these fines and ransoms the adjutant-general of the militia receives his pay, and the remainder is at the Governor's disposal.

This is nearly the substance of [436] the first act of the legislative body of Upper Canada, passed in 1793. In the following year, 1794, an additional act passed relative to the militia, the chief regulations of which tended to improve and define more accurately the internal form of the regiments, battalions, and companies, and to render the assembling of detachments more easy and expeditious. The act determines that, in time of war, the obligation to carry arms in defence of the country shall not cease before the age of fifty; and that, of consequence, Quakers and others, who enjoy an exemption from military service, shall pay for their immunity up to that age. It also obliges the militia to serve on board of ships and vessels, to act as cavalry, and to extend their service beyond the province, on condition however, that the same men be not bound to serve more than six months successively.

The exemptions from military service are confined to the officers of justice, and other public functionaries, whose number is very small. The whole militia is estimated at nine thousand men, for a tract of country of considerable extent, in which, however, the communication and assembling of the troops are much facilitated on the lakes.

All the expences of the civil and military administration of Upper and Lower Canada are defrayed [437] by England. The sum total, including the political expences, or the money paid to the Indians, though this forms an item of the military expenditure, amounts for

Page 435. "Second Lieutenant"—"député-lieutenant." After "once a year in each county" the translator omits "le premier juin," i.e., "the 1st of June." "Baptist." "Memnonistes" (Mennonistes), i.e., "Mennonites."

Upper Canada to one hundred thousand pounds sterling. Nearly two-thirds of this sum, or sixty thousand pounds, are paid to the Indians; including the pay of the principal agents, under agents, interpreters, &c. This pay deducted, all the other charges, occasioned by the Indians, consist in presents, tomahawks, muskets, powder and ball, knives, blankets, rings, buckles, hats, looking-glasses, and, above all, in rum. The agents are charged with the distribution of these articles, which by some are distributed every year, by others at various times, according to circumstances. It is by these means the Indians are supposed to be gained over. Such of their chieftains, as are believed to possess considerable influence, obtain a larger share of presents; by which, and especially by a profuse distribution of rum, their friendship is gained and preserved. The Americans are depicted to them as their inveterate enemies; they are made to swear, that they will burn and scalp these foes at the first signal. It was in this manner the Governor imagined last year, from the reports he had received, that he should be able to dispose of fifty thousand men, who had all taken an oath, [438] not to leave a scalp on the skull of any American they should fall in with. A relation of these atrocities has all the appearance of an exaggerated account of some nation of cannibals, and yet it is literally true*. The English assert, that the Americans, on their part, proceed in exactly the same manner.

It must be confessed that the colonists, by their mean and barbarous policy, teach the Indians to despise them. But we may indulge a hope, that the time is not far distant, when the latter shall possess sufficient sense, to take the presents of England and the money of the United States, and to laugh at both these great nations; scorning to be any longer the tools of their ambition and revenge.

We have here been told that England's annual expenditure for Upper and Lower Canada amounts to four or five hundred thousand pounds sterling; whether the pensions and donations which England bestows on some inhabitants of the United States, be compromised in this estimate I know not; but this I know, from a very respectable

Page 437. "Fifty thousand"—"cinq milles," i.e., "five thousand."

*With all candid readers it will undoubtedly be a matter of regret, that the author should have preferred a charge of such a serious and heinous complexion, without giving himself the least trouble to substantiate its truth.—*Translator*.

Page 438. "The colonists"—"les Blancs," i.e., "the whites." "The tools of their ambition and revenge." "sans servir plus long-tems d'instrumens à leur querelle," i.e., "tools in their quarrel." Before "we have here been told, etc.," the translator leaves out a whole paragraph which I translate, "Next to the expense of the Indians, the most considerable in Upper Canada is that of the surveyors—I do not know the precise total; it varies from year to year, according to the work they are given to do. The military expenditure should be made under the direction of Lord Dorchester, independently of Governor Simcoe. Lord Dorchester also claims the same right in respect of certain civil expenditures, amongst others those relating to the navigation of the lakes, which are very considerable; but Governor Simcoe does not as yet agree to this."

[439] source, that they amount to a pretty large sum. Is it this circumstance, to which Messrs. Hammond and Simcoe allude, when they speak of the numerous friends of the King of Great Britain in the United States?

I have not yet mentioned, that the Governor is also President of an Executive Council, composed of five members. In regard to the bills, which have passed both houses, his assent or dissent is determined by the majority of votes. But, as he appoints his council, and has also the power of dissolving it, we may easily^a conceive, that it consists of members entirely dependant on him. The major part hold seats in the Legislative Council.

An office, which was exclusively charged with preparing for the discussion and decision of the council such matters as concern grants of land, has lately been abolished. The Executive Council has reserved to itself the introductory disquisition, as well as the definitive determination, of all business of this description. The number of those, who apply for lands, is uncommonly great. The claims of the petitioners are generally grounded on their attachment to the British Monarch, and their disgust or hatred against the government of the United States. But, under allegations of this kind, frequently lurks a spirit of speculation. [440.] Notwithstanding the solicitude said to be displayed by the council to discover the truth, many grants of land are made on no other grounds than favour. By the letter of the law, which, however, is often eluded, one individual cannot obtain more than one thousand two hundred acres. Yet, as the grants contain no clause fixing the period within which the ground is to be cleared, speculations frequently occur, and not the least security is obtained, that the land will be a moment sooner inhabited for being thus bestowed.

I have already observed, that officers, who served in the American war, have a right to a share in these lands, which amounts, for a lieutenant to twelve hundred acres, and for a colonel to five thousand. But officers, who never acted in the American war, nor ever held a colonel's commission, have obtained shares as great as the largest allotted to those who have. These lands, though most favourably situated, are not yet cleared; nor is there the least appearance of their being speedily cultivated.

Everything is excessively dear at Newark. The shops are few, and the shopkeepers, combining against the public, fix what price they choose upon their goods. The high duty laid by England upon all the commodities exported from her [441] islands proves a powerful encouragement to a contraband trade with the United States, where, in many articles, the difference of price amounts to two-thirds. The government of Canada is very vigilant to prevent this contraband trade;

Page 439. After the question ending "in the United States," the French has "*C'est une grande bassesse que d'entretenir de tels amis. C'est une grande infamie que d'en jouer le rôle,*" i.e., "It is a disgrace to have such friends—infamous to play such a part."

but a certain prospect of gain excites to exertion, which will frequently succeed in eluding the law, as well as the vigilance of the executive power. The shopkeepers know perfectly well how to favour this contraband trade, the only means for destroying which would be to lower the duties, and, of consequence, the price of the commodities. The Governor has it in contemplation, to encourage such manufactures as produce these articles, which are *run* in large quantities into this province from the United States, such as hats. But all his exertions to this effect will fail in regard to sugar, coffee, tea; in short, with respect to all commodities, which are directly imported from the United States, without being there subjected to as high a duty as in Canada.

During our long residence at Naryhall, all the inhabitants of an Indian village, of the Tuscarora nation, came to congratulate the Governor on his late arrival at Naryhall. All these visits and congratulatory compliments have no other object but to obtain some drink, money, and presents. These [442] Indians generally arrive in the morning, in vessels, from the opposite banks of the river, which they inhabit. They were decked out with uncommon care, covered with rags of every description, and adorned with horse-hair, and feathers of all possible species of birds. In their ears and noses they wore rings of the most varied forms and colours. Some were dressed in European clothes, others wore laced hats, and some were naked, excepting the double apron, and painted from head to foot. It is in the manner of painting themselves, that their genius is especially displayed. In general they prefer the harshest colours, paint one leg white, and the other black or green, the body brown or yellow, the face full of red or black spots, and their eyes different colours. In a word, they unite in their decorations the utmost absurdity and harshness. They are, every one of them, painted in a different style, and furnished with a small looking-glass, which they every moment consult with as much attention as the most finished coquette. They comb themselves again and again, and touch up the colours, which may have faded from perspiration or exercise. Many of them wear silver bracelets and chains round their necks and arms. Some have a white shirt with long sleeves over their clothes, and this forms their [443] most elegant garment; the major part wear as many silver buckles as they can afford. In short, their appearance calls to recollection the whimsical masks, which throng the streets of Paris during the carnival. It must, however, be confessed, that their absurd finery, in a great measure, consists of

Page 441. "The shopkeepers know perfectly well how to favour this contraband trade"—"*les marchands et les surveillans eux-mêmes sont habiles à favoriser cette contrebande*," i.e., "the shopkeepers and the customs inspectors themselves are skilful in advancing this contraband trade."

"Naryhall"; this form is constantly used by the translator. Smith sometimes changes it to "Navyhall." The French form is almost always "Nawy-Hall," but the word is "Navyhall" where it occurs for the first time (p. 400 of this translation).

things, which they make themselves, of horses', buffaloes', or other hair, or of the bristles of the hedge-hog. They twist ropes of the bark of trees, and make laces of a species of herbs. Many of these articles, which they use to adorn their dress, their tobacco-bags, their scalping-knives, garters, and mockinsons, (a sort of shoes) are made by the women, with a regularity, a skill, nay, I may say, with a taste, seldom to be found in Europe. Their chief excellency consists in the great variety and richness of the colours, which they generally extract from leaves, and from the roots of certain herbs; but they possess also the art of extracting them from all dyed linens and silks, of which they can obtain a piece. They boil these rags in the juice of a plant, with the species and name of which I am unacquainted, and thus obtain a very durable colour for dying hair or bark.

On their arrival this morning the Indian visitors were about eighty in number. The Governor, being particularly engaged, deferred receiving [444] their visit until the afternoon; at which time only thirty made their appearance, the rest being all drunk and unable to move. The visit was received on a large plot of grass, without the smallest compliment on either part. The Governor was present, but kept at some distance. The Indians danced and played among themselves. Some of their dances are very expressive, and even graceful. A mournful and monotonous ditty, sung by one, and accompanied with a small drum, six inches high, and three in diameter, forms all their music, except that frequently a stick is added, with which a child beats the time. They dance around the music, which they frequently interrupt by loud shrieks. The hunting and war dances are the most expressive, especially the latter. It represents the surprise of an enemy, who is killed and scalped, and is performed by one person. The rest are hopping about, like monkeys, in a semi-circular figure, and watch, with the utmost attention, every movement of the dancer. The moment when the enemy is supposed to have breathed his last, a strong expression of joy brightens every face; the dancer gives a horrid howl, resumes his pantomime, and is rewarded by universal shouts of applause. When he has thus finished his dance, another enters the stage, who is, in his turn, relieved by others; and in [445] this way the dance is continued, until they become tired of it. When the dance was over, they played at ball; a game in which they displayed their agility to the greatest advantage. Every one had a racket, the handle of which was three or four feet in length, and bent at the end, so that the racket had the form of a bow. The packthread is made of bark; they grasp the racket with both hands,

Page 443. "mockinsons"—"mockisson."

Page 444. "The rest are hopping about like monkeys"—"les autres accroupis, le talon sous leur derrière comme les singes sont rangés en demi cercle," i.e., "the others crouching on their heels like monkeys are ranged in a semi-circle." "A horrid howl"—"cris perçans et terrible," i.e., "cries piercing and terrible" (warwhoop).

Page 445. "pack thread"—"les cordes de cette raquette," i.e., "the cords of this racquet" (crosse).

and run after the ball, wherever they see it, with the view of catching it, one before another. This ball is frequently thrown to a considerable distance, in which case they run after it all together, to catch it, either in the air, or on the ground. No bush, no ditches, no barriers check their ardour. They clear every thing, leap over every thing, and display, in this game, a versatility, swiftness, and dexterity, which are truly striking. During these games the agent came up to the general, with one of the chieftains, and told him, that the Tuscarora nation wished to learn whether they might assist at a meeting, to be held in Onondago by the Oneida Indians, for the purpose of selling a part of the Oneida reservation, which the State of New York had manifested a disposition to purchase*. The Governor's answer was conceived in [446] terms extremely vague; the agent translated this answer as he pleased, and in reply assured the Governor, in the name of the Indians, that they would not go to Onondago, from the hope that this would prove more agreeable to the British Monarch. Whether this political farce was acted only by the agent, or whether this chieftain took a part, I know not; but this I know, that this chieftain, a moment before, begged of me two shillings, for which he would have promised me, had I desired it, to visit or not to visit all the meetings throughout the universe. Without entering further on this subject, I shall merely observe, that the whole policy of England, relative to the Indians, is in the hands of the agents, who alone understand their language, and have the sole management of the presents. It rests entirely with these agents to persuade all or any of these nations to engage in war, and to excite their enmity either against the United States or against each other. The Governor is altogether incapable of judging of their disobedience and opposition to the orders of his cabinet but by the results. The same is undoubtedly the case as to the American States.

[447] The English agent, here referred to, is Colonel BUTLER, celebrated for his * * * * *

*The Oneida Nation receives an annuity from the State of New York of three thousand five hundred and fifty-two dollars for lands purchased of them in 1795, and an annuity of about six hundred and twenty-eight dollars from the United States.—*Translator.*

Page 445. "one before another"—"avant les autres," i.e., "before the others" (can catch it). "Versatility"—"souplesse"—"suppleness." "Oneida"—"Oneyda."

Page 447. The starred passage is in the original "incendies, ses pillages et ses meurtres dans le guerre d'Amérique"—"burnings, pillage and murders in the American war." "Son prétendu loyalisme qu'il a su se payer de brevets et de traitemens, lui a fait commettre plus de barbaries, plus d'infamies contra sa pais qu'à qui que ce soit: Il conduisait les Indiens, leur indiquait les fermes, les maisons à brûler, les victimes à scarpeler, les enfans à déchirer," i.e., "his pretended patriotism which he has turned to good account in honors and rank has caused him to commit more barbarities, more infamies, against his country than any one else. He led the Indians, showed them the homesteads, the houses to burn, the victims to scalp, the children to mutilate."

He is a native of America of the neighbourhood of Wilkesbarre. His
 * * * * * England has
 rewarded his loyalty with five thousand acres of land for himself; the
 same quantity for his children; a pension of two or three hundred
 pounds sterling; an agency, worth five hundred pounds sterling a year;
 and the privilege of taking from the store-houses, which contain the
 presents, whatever he chooses. He is treated with every mark of re-
 spect by the Governor.

The Tuscarora Nation is an Indian tribe, the men of which share
 the toils of their women in a greater degree than any other. The
 Governor mentioned a project, he has conceived, of giving a half civili-
 zation to all the Indian nations in the interest of England. Whether
 or no civilization be likely to promote the happiness of the Indians,
 is a question, a full discussion of which might, perhaps, exceed my
 powers, or at least seem irrelevant. But, were I obliged to decide it
 at once, I should answer in the negative, as long as they are not hemmed
 in too closely by the colonists, possess a sufficient tract of ground for
 hunting, and have plenty of game. But, I repeat it once [448]
 more, to do justice to this question would require a more profound
 discussion, than I can enter upon in this place. Besides it can hardly
 be satisfactorily decided, since the state of savage nations, left en-
 tirely to their primitive life, is widely different from the condition of
 those, who reside in the vicinity of these colonists, and hold inter-
 course with them. If, on mature deliberation, we were obliged to
 allow, that the creation of wants, the necessity of providing for them,
 the exercise of our mutual powers, the unfolding of our faculties, and
 the refinement of our feelings, prove more frequently sources of mis-
 fortune than of happiness; every degree of civilization, pregnant with
 all these, should carefully be kept, for their own sake, from all savage
 tribes. But the same conclusion will not hold good in regard to a
 barbarous people, who, from their intercourse with civilized nations,
 possess already some degree of civility; but a civility which acquaints
 them with vices only, and consequently introduces them to sources of
 misfortune, and who, therefore, from a higher degree of culture, may
 derive an alleviation of their fate and an increase of happiness. As to
 the advantages likely to accrue to the civilized the world from the
 civilization of the savages, the question seems likely to demand a de-
 cision in the affirmative.

[449] However this may be, the Governor, in conceiving
 this project, had not only the happiness of the Indians in view, but
 also his own advantage. He intends to have them civilized by priests,
 and would give the preference to missionaries of the Roman Catholic
 persuasion. The policy of General S—— inclines him to encourage a
 religion, the ministers of which are interested in a connection with

Page 448. "mutual" is a misprint for "mental" (la pensée). "Civ-
 ility"—"civilization."

Page 449. "General S——" means "General Simcoe."

the authority of thrones, and who, therefore, never lose sight of the principle, to preserve and propagate arbitrary power.

I learn here, that rum enervates the Indians, shortens their lives, renders their marriages daily more barren, and, when fruitful, productive only of poor unhealthy children; and that, from the use of this poison, which now cannot either be wrested from them, or rendered harmless in its consequences, the different tribes are daily decreasing in number.

Eighty miles from Naryhall, on the Miami, or Great River, is the settlement of Colonel Brant, with a view of which I should have been much pleased; but he is not there at present, and they assure me that, in his absence, I should see nothing but what I have already seen in those I have hitherto visited.

Colonel Brant is an Indian by birth. In the American war he fought under the English banner, [450] and he has since been in England, where he was most graciously received by the King, and met with a kind reception from all classes of people. His manners are semi-European. He is attended by two negroes; has established himself in the English way; has a garden and a farm; dresses after the European fashion; and nevertheless possesses much influence over the Indians. He assists, at present, at the Miami-treaty*, which the United States are concluding with the western Indians. He is also much respected by the Americans, and, in general, bears so excellent a character, that I sincerely regret I could not see and become acquainted with him.

The Indians, who inhabit the village, which we passed on leaving Canawaga, paid also a visit to the Governor during the time we stayed with him. The weather being too hot for receiving the visit on the grass, he ordered them to be ushered into a room, where he was attended by some officers of the garrison. The chiefs of the [451] Indians said a few words, which the agent interpreted to the Governor, as containing an assurance, that they would employ their tomahawks against anyone he should point out, and expressions of regret, that they could not use them last year against the Americans. The Governor thanked them for these sentiments, endeavoured to confirm them in this friendly disposition, and told them, that the King of Great Britain wished for peace, whatever lies the *maize-thief* [Mr.

Page 449. "the Miami or Great River"—la grande rivière," i.e., "the Grand River."

*The treaty, alluded to by the author, is the Greenville treaty, concluded on the third of August, 1795, at Greenville, a fort and settlement on the south side of a north-western branch of the great Miami, between the Major-general A. Wayne and the chiefs of the following tribes of Indians, viz.: the Wyandots, Delawares, Shawanese, Ottawas, Chippawas, Putawatimes, Miamis, Eel-river, Weeas, Kickapoos, Pian Kashaws, and Kaskaskias.—*Translator*. (Smith adds in ink "and Chickasaws.")

Page 450. "dresses after the European fashion"—the French says "presqu' entièrement," i.e., "almost completely." "Canawaga"—"Canawaga."

P——, Commissioner of the United States] might have imposed on them last year. They answered, that the Governor was perfectly right, and that P—— was a liar, drank as much as they pleased, and departed. The conference was held at eight o'clock in the morning, and before nine o'clock half of them were intoxicated. The Governor is very anxious to oblige and please the Indians; his only son, a child, four years old, is dressed as an Indian, and called Tioga, which name has been given him by the Mohawks. This harmless farce may be of use in the intercourse with the Indians.

The Niagara river and lake abound with a great variety of fishes. We assisted at a fishing, intended to supply the soldiers with fish; the net was drawn thrice. One end of the net was held by men, who remained on shore, while the remainder [452] was carried into the stream by means of a boat, which, after the net had been entirely expanded, conveyed the other end back to the shore. Both ends are joined on the spot, whence the net is drawn. It is only four feet deep, but one hundred feet in length. Upwards of five hundred fish were caught, among which were about twenty-eight or thirty sturgeons, small pikes, whittings, rock-fish, sun-fish, herrings, a sort of carp, which in point of shape resemble those of Europe, but differ much in flavour, and in the form of their heads, salmon, trouts; in short, all the fish was of a tolerable size. Middle-sized fish are easily caught by anglers on the banks both of the river and the lake; they frequently catch more than their families can consume in several days.

The town of Newark stands on the other side of the river, directly opposite the fort. About a hundred houses, mostly very fine structures, have already been erected, but the progress of building will probably be checked, by the intended removal of the seat of government. The majority of the inhabitants, especially the richest of them, share in the administration; and consequently will remove, to whatever place the government may be transferred. In point of size and elegance, the house of Colonel SMITH, [453] lieutenant-colonel in the fifth regiment, is much distinguished from the rest. It consists of joiner's work, but is constructed, embellished, and painted in the best style; the yard, garden, and court are surrounded with railings, made and painted as elegantly, as they could be in England. His large garden has the appearance of a French kitchen-garden, kept in good order. In a country, where it is a hard matter to procure labourers, and where they are paid at the rate of one dollar per day, he finds, in his regiment, as many as he chooses, for ninepence sterling a day, because

Page 451. "the *maize-thief* [Mr. P— etc.]—"l'oiseau noir (Mr. Pickering, etc.)," i.e., "the Black-bird (Mr. Pickering, etc.)." "Mohawks"—"Mohawks."

Page 452. "Small pikes"—"pickerells," i.e., "pickerel." "Whittings"—"Whitefish." "Sun-fish"—"Sem fish" (an obvious misprint). In the list of fish, the translator omits "perches."

Page 453. After "the fifth-regiment" the translator omits "en garrison à Niagara," i.e., "in garrison at Niagara."

the men otherwise do not easily obtain leave to go to work. It is in this manner he is now clearing five thousand acres, which have been granted him, and has the use of thirty more, which belong to the King, are situate in front of the town, and which the Governor has assigned him, until he shall be necessitated to demand them again.

The scarcity of men servants is here still greater than in the United States. They, who are brought hither from England, either demand lands, or emigrate into the United States. A very wise act of the Assembly declares all negroes to be free, as soon as they arrive in Canada. This description of men, who are more or less frequent in the United States, cannot here supply the want of white servants. All persons belonging [454] to the army employ soldiers in their stead. By the English regulations, every officer is allowed one soldier, to whom he pays one shilling a week; and this privilege is extended, in proportion as the officers have need of a greater number of people. The Governor, who is also colonel of a regiment of Queen's Rangers, stationed in the province, is attended in his house, and at dinner, merely by privates of this regiment, who also take care of his horses. He has not been able to keep one of the men servants, he brought with him from England.

The regiments quartered in the vicinity of the United States, it is asserted, lose much by desertion. Seeing every where around them lands, either given away or sold at a very low rate, and being surrounded by people, who within a twelvemonth have risen from poverty to prosperity, and are now married and proprietors, they cannot endure the idea of a servitude, which is to end only with their existence. The *ennui* naturally arising from the dull and secluded manner of living in garrisons, where they find neither work nor amusement, and the slight attention shown them by most of the colonels, darken still more, in their view, the dismal picture of their situation. They emigrate accordingly into the United States, where they are sure to find a settlement, which if [455] they choose to work, cannot fail to make them rich and independent. To hold out to them the same hopes in the English colony of Canada, would be the only means of rendering less dangerous the temptation offered by the United States. It is with this view, that Governor Simcoe very wisely formed the project of dismissing every soldier, who should find an able substitute in his room, and to give him one hundred acres of land; but it is said, that this project appears, in Lord Dorchester's judgment, to savour too much of the new principles, to obtain his consent. If it were actually refused, such an unreasonable denial would more forcibly provoke the discontented of the troops, from their being already acquainted with the measure.

During our residence at Naryhall, the session of the Legislature of Upper Canada was opened. The Governor had deferred it till that

Page 453. "assigned"—"prêtés," i.e., "lent." "They who, etc."—"Pres-que tous, etc.," i.e., "Almost all who, etc."

time, on account of the expected arrival of a chief-justice, who was to come from England; and from a hope, that he should be able to acquaint the members with the particulars of the treaty with the United States. But the harvest has now begun, which in a higher degree than elsewhere engages, in Canada, the public attention, far beyond what state-affairs can do. Two members of the Legislative Council were present instead [456] of seven; no Chief-justice appeared who was to act as Speaker; instead of sixteen members of the assembly five only attended, and this was the whole number, which could be collected at this time. The law^r requires a greater number of members for each house to discuss and determine upon any business*, but within two days a year will have expired since the last session. The Governor has therefore thought it right, to open the session, reserving, however, to either house the right of proroguing the sittings from one day to another, in expectation, that the ships from Détroit and Kingston will either bring the members, who are yet wanting, or certain intelligence of their not being able to attend.

The whole retinue of the Governor consisted in a guard of fifty men of the garrison of the fort. Dressed in silk, he entered the hall with his hat on his head, attended by his adjutant and two secretaries. The two members of the Legislative Council gave, by their Speaker, notice of it to the Assembly. Five members of the latter [457] having appeared at the bar, the Governor delivered a speech modelled after that of the King, on the political affairs of Europe, on the treaty concluded with the United States, which he mentioned in expressions very favourable to the Union, and on the peculiar concerns of Canada. Where no taxes are to be settled, no accounts to be audited and examined, and no military regulations to be adjusted, public business cannot occupy much time. But, if even all these points were to be discussed, the business would still be trifling, from want of an opposition; which seems to be precluded by the manner, in which the two Houses for Upper Canada are framed. The constitution of this province is well adapted to the present state of the country. The members of both Houses, who bear a share in the administration, are all of them as useful, as can be desired, at this period. The influence of the Governor is not useless. And the other necessary arrangements, especially such as may ensure liberty and good order, will, no doubt, be made in the process of time.

Fort Niagara stands, as has been already observed, on the right bank of the river, on a point, opposite to that of Mississogas, on which Newark is built. It was originally constructed by Mr. de [458] la TONQUIERE, three miles nearer to the falls; but was, some years afterwards, transferred to the spot, where it now stands, and where Mr.

*By the Quebec Act, passed in 1791, it is enacted, that the Legislative Council is to consist of not fewer than seven members for Upper Canada, and the Assembly of not less than sixteen members, who are to be called together at least once in every year.—*Translator*.

de DENONVILLE threw up an entrenchment. This fort, as well as those of Oswego, Détroit, Miami, and Michillimackinac, are to be surrendered to the Americans*. Fort Niagara is said to be the strongest of these places, having been strengthened with some new works, in the course of last year; especially covered batteries, designed for its protection on the side of the lake and the river. All the breast-works, slopes, etc., are lined with timber. On the land-side, it has a curtain, flanked by two bastions, in each of which a block-house has been constructed, mounted with cannon. Although this fort, in common with all such small fortified places, cannot long withstand a regular attack; yet the besiegers cannot take it without a considerable loss. All the buildings, within the precincts of the fort, are of stone, and were built by the French.

With very obliging politeness, the Governor conducted us into the fort, which he is very loath to visit; since he is sure, he shall be obliged to deliver it up to the Americans. He [459] carried us through every part of it, indeed more of it than we wished to see. Thirty artillery-men and eight companies of the fifth regiment, form the garrison of the fort. Two days after this visit, we dined in the fort, at Major SEWARD'S, an officer of elegant, polite, and amiable manners, who seems to be much respected by the gentlemen of his profession. He and Mr. PILKINSON, an officer of the corps of engineers, are the military gentlemen we have most frequently seen during our residence in this place, and whom the Governor most distinguishes from the rest. In England, as in France, the officers of the engineers and artillery are in general the most accomplished among the gentlemen of the army; and their society is consequently preferred. The officers of the fifth regiment, whom we have seen, were well-bred, polite, and excellent companions.

The communication of the fort with Newark is in winter intercepted for two or three months, by masses of floating ice, carried along by the stream. At times it is free for a few hours only. The Indians attempt, now and then, to cross the river, by jumping from one piece of ice to another. But the number of those, who venture upon this dangerous experiment, is never great.

Some trifling excursions, we made to the environs [460] of the city; and especially a tour of four days, with the Governor, along the banks of the lake; afforded us an opportunity of seeing the interior country. The chief purpose of this journey was, to reach the extremity

*All these forts were actually delivered up to the Americans in August, 1796, pursuant to the treaty of 1794.—*Translator.*

Page 458. "Michillimackinac"—"Machilimackinac."

Page 459. After "garrison of the fort" read "les canons et munitions pour l'armée, que peut lever le Haut-Canada," i.e., "the cannon and munitions for the army which can be raised in Upper Canada." "Pilkinton" (which Smith changes to Pilkington) "Pilckinson."

Page 460. "the extremity of the lake"—"à la tête du lac," i.e., "the head of the lake."

of the lake. A boat, made of the bark of trees, and designed for the Governor's excursions between Détroit and Kingston, contained the whole company; which consisted of the Governor, Major Seward, Mr. Pilkinson, us three (Mr. de Blacons, having left us two days after our arrival in Naryhall), and Mr. RICHARD, a young Englishman, who arrived here by the way of the North River, and whom we had already seen in Philadelphia. Twelve *chasseurs* of the Governor's regiment rowed the boat, which was followed by another vessel, carrying tents and provision. We halted at noon to eat our dinner, and in the evening to pitch our tents and sup. In the morning, we walked, then breakfasted, and set out to pursue our journey, which was rendered rather unpleasant by a small fall of rain.

Fortymile-creek was one of the chief objects of our tour. This stream, which intersects in a straight line the range of mountains, extending from Queen's Town, flows, with a gentle fall, into the plain; and affords some wild, awful, yet very pleasing prospects among the mountains. [461] Before it empties itself into the lake, it turns a grist mill, and two saw-mills, which belong to a Mr. GREEN, a loyalist of Jersey, who, six or seven years ago, settled in this part of Upper Canada.

This Mr. Green was the constant companion of the Governor on this little journey; he is apparently a worthy man, and in point of knowledge far superior to the common cast of settlers in this neighbourhood. His estate consists of three hundred acres, about forty of which are cleared of wood. He paid one hundred and twenty-five dollars for forty acres, through which the creek flows, that turns his mill, on account of the greater value, they bear for this reason; the common price being only five shillings per acre. Land newly cleared yields here, the first year, twenty bushels of corn. The soil is good, though not of the most excellent quality. They plough the land, after it has produced three or four crops, but not very deep, and never use manure. The price of flour is twenty-two shillings per hundred weight; that of wheat from seven to eight shillings per bushel. The bushel weighs sixty-two pounds upon an average. Labourers are scarce, and are paid at the rate of six shillings a day.

Respecting the feeding of cattle, the winter is [462] here reckoned at five months and a half, and near the lakes often at six; on the mountains it is a month shorter. A few habitations are scattered over the district. Wheat is here, as well as throughout all Upper Canada, generally sown; but other sorts of grain are also cultivated.

Page 460. "A boat, made of the bark of trees"—"un canot d'écorce," i.e., "a bark canoe." "Queen's Town"—"Queenstown."

Page 461. "on this little journey"—"pendant le tems qu'il a passé à Forty-mile-creek," i.e., "during the time he spent at Forty Mile Creek." "cleared of wood"—"cleared." After "cleared" the translator omits "Il n'a pas plus de titres que les autres; mais ayant voulu, l'hiver dernier, vendre quelques-uns de ses acres et en acheter d'autres, il a obtenu promptement les titres pour ces deux parties," i.e., "he has like others, no deed, but desiring the previous winter to sell some of his acres and buy others, he at once obtained the deeds for both parcels."

Wheat and rye are sown in September; oats, in May; barley, in June; turnips, in July; and potatoes, in May. The hay harvest falls between the 10th of June and the 10th of July. Rye is generally cut about the beginning of July; and wheat, in the latter days of the same month; potatoes and turnips are dug in October and November. Grass is, in general, mowed but once. Cultivated meadows are sown with timothy-grass. The cattle are fed, in winter, with hay; which is kept either in barns, in Dutch lofts*, or in stacks, after the English manner: the last are very badly made. Until the winter sets in with great severity, the cattle are left to graze in the woods; they tell us, that in all parts of Upper Canada, the snow lies seldom deeper than two feet. The whole of these [463] observations apply also to the cultivated ground near Lake Ontario and Lake Erie.

Mr. Green, who has a very numerous family, intends to bring up all his sons to farming, and to build for each of them a mill, either on this or on a neighbouring creek. He grinds the corn for all the military posts in Upper Canada; where General Simcoe has ordered all the flour of a good quality to be purchased, which shall be offered by millers in larger quantities than six bushels.

The road from Fortymile-creek to the extremity of the lake, which we travelled, on horseback, is one of the worst we have hitherto seen in America. But for our finding now and then some trunks of trees in the swampy places, we should not have been able to disengage ourselves from the morass. Along the road, which is fifteen miles in length, the soil is good; but we scarcely saw four plantations on the bank of the lake. At the very extremity of it, and on the most fruitful soil, there are but two settlements.

Burlington Bay borders on Lake Ontario. This bay is five miles in length, and communicates with the lake by a streight sixty yards wide; but this communication is interrupted by sand-banks, which, at the extremity of the lake, form a bar, the base of which projects nearly half a mile [464] into the lake. This sole passage excepted, the bay is separated from the lake by an isthmus, from two to four hundred yards broad. At the point, where this isthmus begins on the southern side of the lake, the unnavigable tract is about fifty feet in width. Small vessels are worked up into a small creek in the bay; whence they proceed without any impediment to any other part within its extent. The mountains, which near Fortymile-creek reach close to the lake, but afterwards recede to the distance of five or six miles.

*In this neighborhood, as well as throughout all the northern parts of the Union, they call a thatched roof of a round, square or polygonal form, which rests on long posts, but can be raised or lowered at pleasure, a Dutch loft.—*Author*. (Baraque hollandaise).

Page 462. "10th of June"—"20 juin," i.e., 20th of June." "timothy-grass"—"thymothy."

Page 463. "plantations"—"habitations." "borders on"—"termine," i.e., "forms the end of." "interrupted" followed in the French by "dans les trois quarts de l'année," i.e., "for three quarters of the year."

Page 464. "the unnavigable tract"—"le portage."

approach it again at the extremity of Burlington Bay. Their colour, as well as the quality of the intervening soil between them and the lake, affords ground to suppose, that they once formed its borders, and that the tract of ground, which now separates them from its present bed, and which is covered with very old and beautiful trees, has been formed by alluvia from the waters of the lake. This range of mountains, after having formed an opening, through which a pretty considerable river empties itself into the bay, rejoin, bound the lake for about a fourth part of its length, and stretch thence towards Lake Huron, in the vicinity of which they divide into different branches, the farther direction of which is not known. The geographical knowledge of this country, as far as it relates to the course [465] of the rivers, the shape of the vallies, and the direction of the chain of mountains, is yet very imperfect. Governor Simcoe is aware of the necessity of its being enlarged and perfected. But, in a newly occupied country, like this, the number of objects necessary to be attended to is immense.

During the whole of our excursion we passed through woods, copiously adorned with flowers of the most exquisite hues and fragrance, the names of which we could not learn. The numbers of fragrant trees, of a size unknown in Europe, was equally great.

The banks of the lake are rather unhealthy, and intermittent fevers are almost as frequent there, as in the district of Genessee. But few surgeons reside in the country; they are not suffered to practice, till after having undergone an examination by a physician, appointed by government. This prevention, which may prove very beneficial in future times, is at present of no avail. For, as very few apply for leave to practice, the most ignorant are admitted without difficulty, if they will only present themselves for admission.

By one of them I was informed, that the inferior classes of the inhabitants dread their advice in intermittent fevers, because they always prescribe [466] bark; and that poor people, instead of following their advice, have recourse to a sort of magic charm, in which universal confidence is placed in this country. If seized with the ague, they go into the forest, search out a branch of an elm or sassafras, of the last year's growth; fasten to this branch, without breaking it off the tree, a thread, which must not be quite new; tie as many knots, as they think they shall have fits of the fever; and then return home, perfectly convinced, that they shall not experience more fits, than they have bound themselves to sustain, by the number of knots they have tied. The first discoverers of this arcanum used to make so few knots, that the ague would frequently disappoint their hopes, but they who at present practice the superstition tie so many, that the febrile

Page 464. "Their colour"—"Leur circuit."

Page 466. "bark"—"quinquina," i.e., "Peruvian bark."

matter is generally carried off, before the number of fits comes up to that of the knots.

A tour along the banks of the lake is extremely pleasant; the prospect of this vast sheet of water is majestic, and the traces of culture, which upon the whole has been commenced on the best principles, offer a picture, on which both the eye and the mind dwell with equal pleasure. The Governor is a worthy man, amiable and plain. The company was agreeable, and we enjoyed every convenience, which can be expected [467] on a journey of this kind. And yet, during the whole time of our residence in Naryhall, where he, as well as every one belonging to him, loaded us with civilities, in a manner the most agreeable, I did not experience one moment of true happiness, and real untainted enjoyment.

I am at a loss to account to myself for the various perceptions, which pressed upon my mind, and prevented my feelings from being entirely absorbed by gratitude, and by the pleasing sensations, it naturally produces. I love the English more, perhaps, than any other Frenchman; I have been constantly well treated by the English; I have friends among them; I acknowledge the many great qualities and advantages which they possess. I detest the horrid crimes, which stain the French revolution, and which destroyed so many objects of my love and esteem; I am banished from France; my estates are confiscated; by the government of my country I am treated as a criminal or corrupt citizen; severed from all I held dear, I have been reduced to extreme, inexpressible misery, by Robespierre, and the rest of the ruffians, whom my countrymen have suffered to become their tyrants; nor are my misfortunes yet consummated—and yet, the love of my country, this innate feeling, now so painful to me, so clashing with my present situation, [468] holds an absolute sway over my soul, and pursues me here more closely, than elsewhere. This English flag, under which I am sailing over lakes where the French flag was so long displayed; these forts, these guns, the spoils of France, this constant, obvious proof of our former weakness and of our misfortunes, give me pain, perplex and overpower me to a degree, which I am at a loss to explain. The success, last year, obtained by Lord Howe, which the English mention with more frankness, because they suppose our interest to be intimately connected with theirs; the eagerness they display in announcing new defeats of the French, the accounts of which are prefaced by the assurance, that English triumphs and exertions shall reinstate us

Page 466. After the paragraph ending with "the knots," the French text has "Il est bien difficile que le secret et sur-tout ce dernier raffinement, ne solent pas l'invention de quelque prêtre," i.e., "It is difficult not to conclude that this secret remedy, and especially the last refinement, are not the invention of some priest." "A tour"—"Cette promenade," i.e., "That tour."

Page 467. "Perception"—"Sentimens." "corrupt citizen"—"mauvais citoyen," i.e., "bad citizen."

Page 468. "Give me pain, perplex and overpower me"—"me gênent, m'accablent, et me donner un excès d'embarras, de honte," i.e., "disturb me, overwhelm me and give me a terrible sense of perplexity—of shame." "our guests"—"mes hôtes," i.e., "my hosts." (Smith has corrected the text.)

in the possession of our estates, and followed with congratulations; all these common topics of conversation, which our guests seem to introduce with the best intention, prove more painful to my feelings, as I am necessitated to hide my thoughts, lest I should be deemed a fool by the few, in whose eyes I am no Jacobin, no Robespierrian, and because I am, as it were, at cross purposes with myself. And yet it is a sentiment rooted, deeply rooted in my soul, that I would continue poor and banished, all the days of my life, rather *than owe my restoration to my country and my estates to the influence of* [469] *foreign powers, and to British pride.* I hear of no defeat of the French armies, without grief, or of any of their triumphs, without my self-love being gratified to a degree, which at times I take not sufficient care to conceal*. And yet, notwithstanding these feelings, the confession of which may appear ridiculous in my present situation, I cannot discern the period, when anarchy shall cease in my ill-fated country, and liberty, regulated by wise and efficient laws, afford happiness at least to those, who are not banished; when France shall rest her glory on a safe and lasting foundation.

I do not know, whether those of my friends, who shall read these lines, will understand my meaning; and whether they will be more able, than I am, to reconcile these apparently incongruous feelings and perceptions. I have here thrown them together, as I felt and conceived them.

[470] In addition to the civilities offered here to our small company, Dupetitthouars experienced one of a peculiar complexion, consisting in a offer of lands in Upper Canada, made by Major Seward, who, without expressly stating, that he was authorised by the Governor to propose this offer, at least hinted something to that effect. The polite, yet peremptory answer, returned by Dupetitthouars, at once ended the business.

The taste for news is not by far so prevalent in Upper Canada as in the United States. Only one newspaper is printed in Newark; and but for the support granted by government, not the fourth part of the expense of the proprietor would be refunded by the sale of his papers. It is a short abstract of the newspapers of New York and Albany, accommodated to the principles of the Governor; with an epitome of the Quebec Gazette. In the front and back of the paper are advertisements. It is a weekly paper; but very few copies are sent to Fort Erie and Détroit. The newspaper press also serves for printing the acts of the

*These "*Confessions d'un Emigré*," which ingenuously express the true sentiments of a very considerable part of the emigrated French nobility and gentry, are not, it seems, unworthy of the notice of foreign powers, and especially of our government. A French emigrant, who acted in the West Indies as field-officer in the British service, regretted, that the "*pavillon chéri*" was not waving at the mast-head of the vessels, on board of which he was going to combat the French.—*Translator.*

Page 469. "Wise and efficient laws"—"*des loix bien obéies*," i.e., "laws well obeyed."

Page 470. "Dupetitthouars"—"*du Petit-Thouars*."

Legislature, and the notices and orders issued by the Governor; and this is its principal use. In point of news, the situation at Niagara is by no means convenient, especially in time of war.

The English ships are not yet arrived from [471] Quebec, and this day is the sixth of July. The intelligence, which reached Philadelphia about the time of our departure, has but just been received at Niagara. They tell us, that they know nothing, but what they have learned directly from England. What little information we have been able to collect from different quarters, concerning the sentiments of the people, and which we could only now and then obtain, as we should have otherwise have given offence by too much inquisitiveness on this head, coincides in representing the nation at large as desirous of tranquillity and peace. But the American loyalists, who have actually suffered by the war, still harbour enmity and hatred against their native land and countrymen. These sentiments however are daily decreasing, and are not shared by the far greater number of emigrants, who arrive from the United States, Nova Scotia, and New Brunswick. There are mal-contents in this country; but their number is small. Several new settlers, who migrate into this province from the United States, falsely profess an attachment to the British Monarch, and curse the government of the Union, for the mere purpose of thus wheedling themselves into the possession of lands. The high price of provision, the prohibition of a commercial intercourse, and the protracted delivery of the deeds [472] by which the property of granted lands is conveyed to the occupiers, form, indeed, grounds of much discontent; but this is by no means of a nature to cause uneasiness to the government, which seems even to doubt its existence, though, in case of a war with the United States, it might render its situation extremely critical.

The Episcopal is the established religion in Upper Canada. In Détroit, however, half of the inhabitants are Roman Catholics; and some families of Quakers, Baptists, and Dunkers, are scattered through the province, though in small numbers.

A seventh part of the lands is allotted to the support of the Protestant clergy. For the Roman Catholic service nothing is paid, except in Détroit. No church has yet been built, even in Newark. In the same halls, where the Legislative and Executive Councils hold their sittings, jugglers would be permitted to display their tricks, if any should ever stray to this remote country. Our last excursion in the environs of Naryhall brought us by Queenstown to one of the Tuscarora villages, which stands on the Indian territory, four miles from Naryhall. One of the roads, which lead thither, passes over mountains,

Page 470. "from Quebec"—"à Québec," i.e., "at Quebec." (Smith has changed "from" into "at.")

Page 471. "England"—"Londres," i.e., "London."

Page 472. "Episcopal"—"anglicane épiscopale," i.e., "Church of England." "half of the inhabitants"—"la presque totalité," i.e., "almost all." "Baptists"—"mennonistes" (Mennonistes), i.e., "Mennonites." "Tuscarora"—"Tuscororas."

that border upon the falls. This road affords some interesting prospects, such as precipices, dreary [473] recesses, wild romantic scenes as far as the mountains project over the river, still hemmed in between this double range of high rocks. They become truly admirable where the mountains slope towards the plain, which separates them from the banks of the lake; this whole plain, Fort Niagara, the bank of the lake, the lake itself, nay, a part of the opposite bank, bursting at once on your view. The soil seems everywhere to be of a good quality.

This Tuscarora village has as dirty and mean an appearance as all the other villages we have hitherto seen; but the inhabitants, being informed of the intended visit of the Governor, had painted themselves with the utmost care, and were dressed in their most fashionable style. They fancied he came to hold an assembly. A booth, covered with green branches, before the door of the habitation of the chieftain, on which the English flag was waving, was the place singled out for the expected solemnity. The inhabitants were rather disappointed, when they learned from the Governor, that he came with no other view but to pay them a visit. He sat down in the booth. The Indians were seated on benches placed in a semi-circular form, and smoked tobacco. As many of the young men as could find room sat at the end, or stood leaning on the rails. General [474] Simcoe and ourselves were in the centre of the semi-circle; women and children were kept at a distance.

PATERSON, an American by birth, whom the Indians took prisoner at the age of ten years (he is now twenty-five) acted as interpreter to the Governor. All his speeches, like every discourse of the English agents addressed to the Indians, turned on the same subject. He told them also, at this time, that the Yankees were brooding over some evil design against them; that they had no other object in view but to rob them of their lands; and that their good Father (King George) was the true friend of their nation. He also repeated that the maize-thief (T— P—) was a rogue and a liar.

His speech, however, met not with much applause on the part of the Tuscaroras. The Seneca-Indians had called here a week before, on their way to Naryhall, and told them, that they were going to the Governor, without entering into any particulars respecting the object of their visit. This circumstance led the Tuscaroras to conclude, that something very important was in negotiation between the Senecas and the Governor, probably tending to the prejudice of their nation; for mistrust, suspicion, and apprehensions, form the prominent features of the policy of the [475] Indians; and it must be confessed, that this way of thinking is a very natural consequence of the conduct of the colonists towards them.

Page 473. "tobacco"—"dans de longues pipes," i.e., "long pipes," "leaning on the rails"—"reposés sur leur raquette," i.e., "leaning on their crosse."

Page 474. "the maize thief (T— P—)"—"l'oiseau noir (Timothy Pickering)," i.e., "the Black bird (Timothy Pickering)."

Page 475. "colonists"—"blancs," i.e., "whites" (as almost always).

The Governor disclaimed all particular negociations with the Senecas; and, in order to divert them from this opinion, made use of all the compliments and assurances, which he thought any way fitted to flatter their vanity, or allay their fears. He again told them of the Yankees, of the *maize-thief*, and of King George; but all this did not satisfy them. His promise of granting them lands in Canada, if the Yankees should drive them from their homes, made no deeper impression; nothing could brighten that cold, nay, gloomy countenance, which they generally preserve while they are treating on business. The extreme care, which they employ to conceal their impressions on similar occasions, may either be the effect of a studied dissimulation, the necessity of which they may have learned in their intercourse with the colonists, or merely the result of character and habit. This anecdote, however trifling in itself, shows how easily the jealousy between the different Indian nations is roused; a disposition which, like all the other foibles of the Indians, both the English and the Americans turn to their advantage.

There are few Indian villages, where some [476] persons, of European descent have not settled, who generally enjoy a considerable share of influence over the tribe. They are commonly people of a very indifferent character, attracted by the idle, extravagant, and drunken habits of the Indians. It is a general remark, that the whites, who reside among them, are extremely vicious, cruel, and covetous, and the **very worst** husbands and fathers.

Intermitting fevers are very frequent in this village. The Indians frequently take the advice of the physician, whom the English Government appoints, and pays on their account; but they, far more frequently, take draughts, which they prepare themselves from the juice of herbs. Although the neighbourhood is much infected with rattle-snakes, yet none of the present inhabitants of this village were ever bitten by them. Their remedy, in this case, would consist of salt and water, which they think infallible, and fully sufficient to effect a cure.

We met on this excursion an American family, who with some oxen, cows, and sheep, were emigrating to Canada. "We come," said they, "to the Governor," whom they did not know, "to see whether he will give us land." "Aye, aye," the Governor replied, "you are tired of the federal government; you like not any longer to have so many kings; you wish again for your [477] old father," (it is thus the Governor calls the British Monarch when he speaks with Americans); "you are perfectly right; come along, we love such good royalists as you are, we will give you land."

On our return from Queenstown we descended in the Governor's boat the noble river Niagara, the banks of which imagination delights to fancy covered with inhabitants, and reclaimed by culture from their

Page 475. "*maize thief*"—"l'oiseau noir," i.e., "black-bird."

Page 477. "boat"—"canot," i.e., "canoe."

present wild state, and views rich and charming landscapes; but this richness, and these charms, will probably yet, for a considerable time, enchant the eye of fancy alone.

During our residence in Naryhall, Messrs. Dupetitthouars and Guillemard took the opportunity of the return of a gun-boat, and made an excursion to York. Indolence, politeness to the Governor, and the conviction that I should meet with nothing remarkable in that place, united to dissuade me from this journey. My friends informed me on their return, that this town, which the Governor had fixed upon as the capital of Upper Canada, before he thought of building a capital on the Thames, has a fine extensive road, detached from the lake by a neck of land of unequal breadth, being in some places a mile, in others only six score yards broad; that the entrance of this road is about a mile in width; that in the [478] middle of it is a shoal or sand-bank, the narrows on each side of which may be easily defended by works erected on the two points of land at the entrance, where two block-houses have already been constructed; that this is two miles and a half long, and a mile wide; and that the elevation of the shore greatly facilitates its defence by fortifications to be thrown up on the most convenient points.

Governor Simcoe intends to make York the centre of the naval force on Lake Ontario. Only four gun-boats are, at present, on this lake; two of which are constantly employed in transporting merchandize; the other two, which alone are fit to carry troops and guns, and have oars and sails, are lying under shelter until an occasion occurs to convert them to their intended purpose. It is the Governor's intention to build ten similar gun-boats on Lake Ontario, and ten on Lake Erie. The ship-carpenters, who construct them, reside in the United States, and return home every winter.

There have not been more than twelve houses hitherto built in York. They stand on the bay near the River Dun. The inhabitants do not possess the fairest character. One of them is the noted BATY, the leader of the German families, who according to the assertions of Captain Williamson, [479] were decoyed away by the English, to injure and obstruct the prosperity of his settlement.

Notwithstanding the navigation of this river, there is a portage of thirty miles between York and Lake Simcoe, by which the merchandize, that comes from Lake Huron, might reach that place in a straighter line. The barracks, which are occupied by the Governor's regiment, stand on the road, two miles from the town, and near the lake; desertion, I am told, is very frequent among the soldiers.

Page 477. "road"—"rade," i.e., "harbour" or "roadstead."

Page 478. "that this is, etc.," i.e., the harbour. After "a mile wide," the French text has "qu'elle était saine dans tout ses points," i.e., "that it was clear and navigable at all points." "Baty"—"Batz," i.e., "Berczy." (Smith corrects "Dun" into "Don" and "Baty" into "Bertz").

In a circumference of one hundred and fifty miles the Indians are the only neighbours of York. They belong to the tribe of the Missassogas. I shall here observe, that all, who have visited the Indians in Upper Canada, assure us, that Father CHARLEVOIX has delineated their manners with the same exactness and truth, which has he in general displayed in the description of the countries he traversed.

After a residence of eighteen days at Naryhall, we took leave of the Governor on Friday the 10th of July. He wished us to stay a little longer; but Lord DORCHESTER'S answer had probably reached Kingston by this time; and, notwithstanding the Governor's true politeness and [480] generous hospitality, we were not entirely free from apprehensions of incommoding him.

I hope that he has been as satisfied with the sincerity and frankness of Mr. Dupetitthouars and myself, as we were with his kindness. As to Mr. Guillemard, I make no mention of him, since, he being an Englishman, his situation is altogether different from ours. We enjoyed in the General's house the most perfect freedom of opinion, which a man of his distinguished talents will always cherish, and but for which we should not have been able to continue so long at Naryhall as we did.

Everything we have seen and heard in this part of Upper Canada renders it, in our judgment, extremely probable, that her dependance on England will not be of long duration. The spirit of independence, which prevails in the United States, has already gained ground in this province, and will, no doubt, be much increased by a more immediate connection with the United States. The comparison drawn by the inhabitants of Upper Canada, between the price of commodities subject to English duties and customs, and the value of the same articles on the opposite shore, will be a sufficient source of envy and discontent. The navigation being carried [481] on by both countries on the same lakes and canals, it will be impossible to prevent the contraband-trade; and this cannot but prove highly prejudicial to Great Britain, at least according to the system, by which she is guided in the government of her colonies. This contraband-trade will be a constant object of dispute between the two states, and will furnish the Governor of Upper Canada with sufficient pretences for commencing and promoting a war. But, a contest, the natural consequence of which would be an increase of the price of provision in Canada far above what it would bear in the United States, could not be a popular war. It would be a repetition of the American War of the Stamp-act, and of the Tea-tax, and would probably be attended with the same consequences.

The natural order of things at this moment and the universal disposition of nations, announce the separation of Canada from Great Britain as an event, which cannot fail to take place. I know nothing, than can prevent it. By great prosperity and glory, by signal successes in her wars, and by undisturbed tranquillity at home, Great Britain may be able to maintain her power over this country, as long as considerable sums shall

be expended to promote its population and prosperity; as long as it shall enjoy the most complete [482] exemption from all the taxes and burthens of the mother country; in fine, as long as a mild government, by resources prompt and well applied, by useful public establishments, not yet existing, and by encouragements held out to all classes and descriptions of citizens, shall convince a people already invited and qualified by a wise constitution to enjoy all the blessings of liberty, of the advantages of a monarchical government, which in its benevolent projects unites wisdom of conception with rapidity of execution.

But these conditions are and will hardly be fulfilled. In our time, perhaps soon, Great Britain will lose this bright jewel of her crown*. In regard to Canada, she will experience the same fate, as she is likely to share, sooner or later, respecting her possessions in India; as will befall Spain in respect to her Florida and Mexico, Portugal [483] in regard to her Brazil, in short all European powers, respecting such of their colonies, at least, as they possess on the continents, unless, enlightened by experience, they shall speedily change the colonial form of government.

Before I close the article of Niagara, I must make particular mention of the civility shown us by Major LITTLEHALES, adjutant and first secretary to the Governor; a well-bred, mild, and amiable man, who has charge of the whole correspondence of government, and acquits himself with peculiar ability and application. Major Littlehales appeared to possess the confidence of the country. This is not unfrequently the case with men in place and power; but his worth, politeness, prudence and judgment, give this officer peculiar claims to the confidence and respect, which he universally enjoys.

We embarked at Kingston on board the Onondago, one of the cutters, which compose the naval force on the lake. This cutter is pierced for twelve six-pounders, but carries only six in time of peace. When these vessels are not laden with stores for the King's service, they are freighted with merchandize, for which the merchants either pay freight, or engage to transport in their bottoms an equal quantity of the King's stores.

*Readers, endowed with a larger share of political sagacity, than the author displays throughout the whole train of arguments on which he grounds this dismal presage, will probably incline to believe the predicted revolution in Canada not quite so near at hand, as it appears to the Duke, who seems not to recollect, that the British government, by substituting, as he himself calls it, "a wise constitution" in the stead of the ancient constitutional form of Canada, has adopted the very means, to prevent her loss, which at the close of his observations on the subject, he advises as the only preventive of such a calamity.—*Translator.*

Page 482. "these conditions are," add "not." "Mais toutes ces conditions ne sont pas et ne peuvent pas être remplies." "But all these conditions are not and cannot be fulfilled."

Page 483. "ability and" is an interpolation of the translator's. "not unfrequently"—"toujours," i.e., "always."

[484] The Onondago is of eighty tons burthen. On this occasion, she had two detachments on board; one of the fifth regiment, destined for Kingston to bring money; and another of the Queen's rangers, to receive at Montreal new cloathing for the regiment. There were, besides, forty-one Canadians on board, who had conducted ten vessels for the King's service from Montreal to Niagara. The cabin-passengers were, Mr. Richard, Mr. Seward, whom I have already mentioned, Mr. BELLEW, who commanded the detachment of the fifth regiment, which was going to fetch money, Mr. HILL, another officer of the same regiment, who was ill, and was going to Kingston for the recovery of his health, Mr. LEMOINE, an officer of the sixtieth regiment, quartered at Kingston, and our party.

The wind was tolerably fair during our passage; this is generally accomplished in thirty-six hours; at times in sixteen; but it took us forty-eight hours. Dead calms are frequent, especially at this time of the year, and last sometimes five days. Scarcely any motion was observable on the waters of the lake. This passage, which is one hundred and fifty miles long, offers no interesting objects; the coast soon disappears from your view, especially in hot weather, when the horizon is [485] clouded with vapours, as when we sailed. Ducks' Islands form, to speak generally, the only trifling danger on this passage. They are three in number, lying in a line; there is no passage for ships either between the coast and the island on the left, or between this and the middle island, on account of the rocks under the water, on which ships would unavoidably be lost. You must pass between the middle island and that on the right, where the water is from four to five miles in width, and sufficiently deep to afford a safe navigation. The only danger, to be here encountered, might arise from a sudden gust of wind, springing up the moment, you approach the islands, and driving the ship into one of the dangerous channels. To the best of my knowledge, but one shipwreck has happened here, within the memory of man; but no vessel ventures near the islands by night, except when the weather is perfectly fair and clear. A more common and more real danger arises from the storms, which frequently on a sudden arise on the lake, render it even more boisterous than the sea, and cause the ships to labour and strain more severely, on account of the shortness of the waves, bounded by the small extent of the waters. The ships are then in constant danger of being driven on shore, and would hardly be able to avoid it, if the [486] storms lasted longer. But they generally continue only for a short time, especially in

Page 484. "the recovery of his health"—"pour changer d'air," i.e., "for change of air." "Dead calms are frequent, especially at this time of the year, and last sometimes five days"—"elle dure souvent cinq jours, dans ce tems-ci sur-tout où le calme est habituel," i.e., "it (i.e., the voyage) often lasts five days, especially at the season when it is steady calm."

Page 485. "Ducks' Islands"—"Ducks-islands." "lying in a line," prefix "à peu-près," i.e., "nearly." "more boisterous" add "dit-on," i.e., "they say."

summer, and the clearing up of the weather is as sudden as the coming on of the storms. They are, properly speaking, only violent gales of wind, which in autumn frequently blow two days together, and succeed each other very rapidly. Five or six years ago, a ship was lost, with every hand on board, and instances of this kind are said not to be uncommon at that time of the year. From November until April, the navigation is entirely discontinued on the lake.

During our passage, Lieutenant EARL, who commanded the cutter, and almost all our fellow-passengers, behaved to us, in the most civil and obliging manner. The weather was very warm, and had been so for the last eight or ten days. The mercury in Fahrenheit's thermometer stood, at Naryhall, frequently at ninety-two; but on board the vessel, in the cabin, it was only at sixty-four. It is less the intensity of the heat, than its peculiar nature, which renders it altogether intolerable; it is sultry and close, and more so by night, than by day, when it is sometimes freshened by a breeze, which is not the case in the night; the opening of the windows affords no relief; you do not perspire, but feel oppressed; you respire with difficulty; your sleep [487] is interrupted and heavy; and you rise more fatigued, than when you lay down to rest.

I have already mentioned, that we had a detachment of the fifth regiment on board. They dressed before we arrived at Kingston. Eight days before we had seen the Indians painting their eyes with lamp-black and red-lead, and braiding their hair, to fix in it feathers or horses' manes, dyed red or blue. This day we saw European soldiers plastering their hair, or if they had none, their heads, with a thick white mortar, which they laid on with a brush, and afterwards raked, like a garden-bed, with an iron comb; and then fastening on their head a piece of wood, as large as the palm of the hand, and shaped like the bottom of an artichoke, to make a *cadogan*, which they filled with the same white mortar, and *raked* in the same manner, as the rest of their head-dress.

This is a brief sketch of the spectacle, which these soldiers exhibited to us, the last two hours of our passage; though their toilette was not exactly the same as that of the Indians, yet they consulted their looking-glass with the same anxious care. These observations are less intended to throw a ridicule on the dress of the soldiers, and the childish attention paid to it in all countries, than to check the forwardness of those, who are ever [488] ready to ridicule all manners and habits, which are not their own. The Indian savage would be at a loss, whether to laugh more at the Turk, who covers his shorn head with a turban, containing more or fewer folds in proportion to his rank and

Page 486. "ninety-two" add "(26 degrés deux tiers de Reaumur)," i.e., "26 $\frac{2}{3}$ ° Reaumur." After "sixty-four" add "(23 degrés demi-quart de Reaumur)," i.e., "23 $\frac{1}{8}$ ° Reaumur." This is an error; 64° F. is 14 2-3° Reaumur; and 23 $\frac{1}{8}$ ° Reaumur is 84 $\frac{1}{4}$ ° Fahrenheit.

Page 487. "cadogan"—"catogan." "head-dress"—"tête," i.e., "head."

consequence—at the women in the island of Melos, whose petticoats scarcely cover half their thighs, while their sleeves reach down to the ground—or at our *belles*, who ten years ago confined their breasts and waists in huge stays, with false hips, and strutted along on high heels, and who now screw up their waist to the middle of their bosoms, tied round with a girdle, which looks more like a rope, than a sash, wear their arms naked up to the shoulders, and by means of transparent garments expose every thing to view, which formerly they thought themselves obliged to conceal, and all this, forsooth, to resemble Grecian ladies.

Sunday, the 12th of July.

When Ducks' Islands were about twenty miles a-stern of us, the lake grew more narrow, and the number of islands increased. They seemed all to be well wooded, but are not inhabited, and lie nearly all of them along the right bank. On the left is Quenty Bay, which stretches about [489] fifty miles into the country, and the banks of which are said to be cultivated up to a considerable extent. The eye dwells with pleasure, once more, on cultivated ground. The country looks pleasant. The houses lie closer, than in any of the new settled parts of Upper Canada, which we have hitherto traversed. The variegated verdure of the corn-fields embellishes and enriches the prospect, charms the eye, and enchants the mind. In the back-ground stands the city of Kingston, on the bay of the same name, which the French, in imitation of the Indians, called Cadarakwe. It consists of about one hundred and twenty or one hundred and thirty houses. The ground in the immediate vicinity of the city rises with a gentle swell, and forms, from the lake onwards, as it were, an amphitheatre of lands, cleared, but not yet cultivated. None of the buildings are distinguished by a more handsome appearance from the rest. The only structure, more conspicuous than the others, and in front of which the English flag is hoisted, is *the barracks*, a stone building, surrounded with pallisadoes.

All the houses stand on the northern bank of the bay, which stretches a mile farther into the country. On the southern bank are the buildings belonging to the naval force, the wharfs, [490] and the habitations of all the persons, who belong to that department. The King's ships lie at anchor near these buildings, and consequently have a harbour and road separate from the port for merchantmen. We landed at Port Royal. However *kingly* were the commander and his ship, he took our money. Governor Simcoe expressly desired us not to pay for our passage, as the cutter was a King's ship, and he had amply

Page 488. The description of the existing ladies' dress is given by the author as a "dit-on," "they say:" and he adds at the end of the paragraph "l'Indien sauvage serait sans doute embarrassé de savoir desquels il aurait à rire davantage," i.e., "the savage Indian would hardly know which to laugh at the more." "Ducks' Islands"—"les îles aux Canards." "Quenty Bay"—"la baye de Quenty."

Page 490. After "at anchor" add "dans la rivière," i.e., "in the river." "kingly"—"royal."

supplied us with provision. But my friend Dupetitthouars, as well as myself, were so much displeased with the idea, of making this passage at the expence of the King of England, that we ventured to offer our money to Captain Earl. Offers of this kind are seldom refused, nor did ours meet with a denial. Yet, it is but justice to add, that Captain Earl is a worthy man, civil, attentive, constantly on the deck, apparently fond of his profession, and master of his business.

No letter from Lord Dorchester had yet arrived, and it was extremely uncertain when it would arrive. The calculation, made at Kingston, respecting the probable time of the return of an answer, is less favourable than what they made at Niagara. We shall, perhaps, be obliged to wait a week longer. How much time will be lost for our journey, and why? Because Governor Simcoe is not on good terms with Lord Dorchester; [491] and because he observes the nicest punctuality, from which, in consideration of the letters we brought with us, he might well have departed in this case. Our friend, Mr. Hammond, might have saved us this unpleasant delay, by writing sooner to Lord Dorchester, as I requested him to do. Unfortunately such accidents cannot be foreseen. If they could, how many things should we alter in the course of our life? We must wait. Patience, patience, and again patience.

Kingston is the place, to which Lord Dorchester wishes, that General Simcoe should transfer the seat of government in Upper Canada. In this choice he is, perhaps, in a great measure influenced by the advantage, which he would thus enjoy, of having all the troops, in case of an attack, in the vicinity of Quebec, which is, in his opinion, the only tenable place in Lower Canada. He thinks, that if the seat of the government of Upper Canada were removed to Kingston, which lies nearer to Quebec than any other place, the orders and news, which arrive from Europe, would reach this place with more rapidity and safety, and would also be more rapidly circulated through the province. He further imagines, that the naval stores, sent from Europe, would here be safer, and that the refitting of ships would be cheaper, and with more security erected in Kingston, [492] whither, at all times, they might be sent directly from Quebec, at least more expeditiously than to any other place on the lake, where the inconvenience of a tedious and uncertain passage must be added to the expence for shifting the cargo on board of another vessel.

Governor Simcoe, on the contrary, is of opinion, that by the aggregate of his arrangements, the defence of Upper Canada might be easily effected. He adds, that the wealth of the country, which he

Page 490. "A week"—"huit jours," literally "eight days," but often equivalent to our obsolescent "se'nnight."

Page 491. "Punctuality"—"ponctuelle exactitude," i.e., "nicest exactitude." "again patience"—"toujours patience," i.e., "ever patience." After "Lower Canada" read "pour de là envoyer des partis en avant, si la guerre peut devenir offensive," i.e., "in case of an offensive war, to send thence advance troops."

considers as the necessary result of his projects, will attract the enemy; and that if they should make themselves masters of Upper Canada, it would be impossible to dislodge them. He also observes, that, in time of war, by the various means of navigation, considerable parties might be easily sent from Upper Canada to every point of the United States, even to Georgia; that Upper Canada is the key of the territories of the Indians; and that thence succours may be easily sent to every part of Lower Canada, which, on the other hand, is not able to send any to Upper Canada, at least not so expeditiously as circumstances might require.

As to the more rapid circulation of orders and intelligence, and the earlier receipt of them, the Governor allows the truth of these allegations; but answers, that, from the vast extent of Canada [493] it is extremely improbable, that in case of its being peopled, this territory should be divided only into two governments. He adds, that the best method of peopling such parts of Canada, as have hitherto been explored, would be, to encourage the population of the two extremities, in which case, the prosperity of the centre would be more easily and rapidly attained. He further observes, that, in such a case, Kingston would become the capital of a new province; and that, in regard to the more difficult and more expensive distribution of ships, no facility and savings, to be obtained under this head, could balance the advantage of uniting in its centre the whole naval force stationed on the lake, and especially in a place, where it is most essentially protected against an attack.

All men seek after reasons or pretensions to enlarge the extent of their authority and power. Here, as every where else, good and bad reasons are alleged in support of a system, of a project, and especially of the interests of self-love. Yet power is also here, as every where else, the best, at least the most decisive of reasons; and if Lord Dorchester should not be able to prevail upon the British government to declare Kingston the capital of Upper Canada, he will, at least, prevent the seat of government from being established between the lakes Erie, Huron, and Ontario, according [494] to the wish of General Simcoe. As to the project of transferring it to York, he declares himself in a manner by no means favourable to that city; and in this opinion he is joined by all the inhabitants of Kingston, whose displeasure at their city not becoming the capital of the province is greatly increased by the consideration that, in consequence of this project, their town will cease to be the emporium of the small naval force stationed on this lake. The friends of Kingston further allege against the project, and not without reason, that York is an unhealthy place, and will long remain so, from the nature of the ground, which separates the bay from the lake.

Dupetitthouars, who is a zealous partizan of York, as far as he considers it in the light of an establishment for the navy, cannot help

allowing that it has the air of being an unhealthy place. General Simcoe apparently possesses the love and confidence of all the inhabitants and soldiers. But his projects are deemed too extensive; and, above all, too costly, in proportion to the advantages, which England is likely to reap from their being carried into effect.

The merchants on the lake, whose rapacity the Governor is endeavouring to restrain, lay great stress on these two objections, and bestow much praise on Lord Dorchester's profound wisdom and [495] consummate abilities; while, by other accounts, he was formerly an useful man, but is now superannuated.

Lord Dorchester being an utter stranger to me, I am altogether unqualified to judge of his abilities and talents. I am also unacquainted with the amount of the expence, which the execution of Governor Simcoe's plans may require, and with the resources which England may possess to meet them. But I am clearly of opinion, that Great Britain cannot fail to reap signal advantages from his views and projects, if they should ever be carried into effect; and that they compose a complete system, which, if properly pursued in all its parts, will do great credit to him, who shall execute it.

But, at the same time, all the information we here obtain on this subject confirms our opinion, that General Simcoe meets with much opposition in his plans; that the jealousy, which Lord Dorchester shows in regard to him, and which is the natural result of his age and temper of mind, is carefully kept alive, by those who hold places under him; and that, with the exception of grants of land, and other matters of government, in respect to which the Governor is perfectly independent, he can do and enact nothing without the consent of the Governor General. As to his [496] rooted aversion against the Americans, I have heard it censured even by private soldiers; but he is allowed by all to possess military talents.

In relating these particulars, which finish the picture of *the man*, I have no other object, but faithfully to draw the character of Governor Simcoe, who, being undoubtedly a man of superior abilities and endowments, deserves to be known.*

Kingston, considered as a town, is much inferior to Newark; the number of houses is nearly equal in both. Kingston may contain a few

Page 495. "I am clearly of the opinion"—"il me semble," i.e., "it seems to me." In the exceptions to the power of Dorchester add "les affaires de son régiment," i.e., "the affairs of his regiment."

*Governor Simcoe has since left Upper Canada, and returned to England, whence he has been sent to St. Domingo. In that colony he has found no opportunity for displaying his military talents, but has endeavoured to curb the rapacity of the small army in the pay of Great Britain, and by this meritorious conduct excited the hatred both of the French and English, who have gratified it in a dreadful manner.—*Author*.

Page 496. "Private soldiers"—"militaires," i.e., "the military." Note* "gratified it in a dreadful manner"—"en profitaient outrageusement," i.e., "profited by it (the thefts of money, which the translator calls 'rapacity') outrageously."

more buildings, but they are neither so large nor so good as at Newark. Many of them are log-houses, and those which consist of joiner's work, are badly constructed and painted. But few new houses are built. No town-hall, no court-house, and no prison have hitherto been constructed. The houses of two or three merchants are conveniently situated for loading and unloading ships; but, in point of structure, these are not better than the rest. Their trade chiefly consists of peltry, [497] which comes across the lake, and in provision from Europe, with which they supply Upper Canada. They act as agents or commissioners of the Montreal Company, who have need of magazines in all places, where their goods must be unshipped.

The trade of Kingston, therefore, is not very considerable. The merchant ships are only three in number, and make but eleven voyages in a year. Kingston is a staple port. It is situated twelve miles above that point of the river, which is considered as the extremity of the lake. Here arrive all the vessels, which sail up the river of St. Lawrence, laden with provision brought in European ships to Quebec.

The barracks are constructed on the site of Fort Frontenac, which was built by the French, and levelled by the English. The latter built these barracks about six years ago. During the American war their troops were constantly in motion; and, in later times, they were quartered in an island, which the French call *Isle aux Chevreaux*, (Goats' Island) and which the English have named Carleton, after Lord Dorchester. Fort Frontenac, which was liable to be attacked on all sides, would answer no other purpose but to protect the small garrison, which the French kept there, against the attack of the Indians and [498] English: a part of the garrison was quartered in Cadarakwe, for the protection of the French trade. Here were also built, by Mr. DE LASALLE, the first French ships, which navigated the lake.

Kingston seems better fitted for a trading town than Newark, were it only for this reason, that the ships, which arrive at the latter place, and are freighted for Lake Erie, pass by the former, to sail again up the river as far as Queenstown, where the portage begins. Nor is its position equally advantageous for sharing the trade in provision, with which the lake may one day supply Lower Canada, England, perhaps all Europe, if Upper Canada should ever answer the expectations entertained by Governor Simcoe.

Page 496. "Those which consist of joiner's work"—"*celles en menuiserie*," "frame-houses." "Painted" should be preceded by "badly."

Page 497. "Comes across the lake"—"*arrivent des lacs*," i.e., "come from the lakes." "A staple port"—"*un des points de dépôt*," i.e., "one of the points at which goods are kept stored." After "extremity of the lake" read "*plus loin, la navigation serait jugée dangereuse*," i.e., "Further on, the navigation would be considered dangerous." "Six"—"*dix*," i.e., "ten."

Page 498. "Cadarakwe"—"*Cadarakwes*." "Queen's Town"—"*Queens-town*."

Kingston is, at present, the chief town of the middle district of Upper Canada, the most populous part of which is that situated on Queen's Bay. This district not only produces the corn requisite for its own consumption, but also exports yearly about three or four thousand bushels. This grain, which in winter is conveyed down the river on sledges, is bought by the merchants, who engage, on the arrival of the ships from Europe, to pay its amount in such merchandize, as the sellers may require. The merchants buy this grain for government, which pays for it, in [499] ready money, according to the market price at Montreal. The agent of government causes a part to be ground into flour, which he sends to the different posts in Upper Canada, where it is wanted; and the surplus he sends to England, probably with a view of raising the importance of the colony in the estimation of the mother country. The price of flour in Kingston, is, at present, six dollars per barrel.

The district of Kingston supplied, last year, the other parts of Canada with large quantities of pease; the culture of which, introduced but two years ago, proves very productive and successful. In the course of last year, one thousand barrels of salt pork, of two hundred and eight pounds each, were sent from Kingston to Quebec; its price was eighteen dollars per barrel. The whole trade is carried on by merchants, whose profits are the more considerable, as they fix the price of the provision, which they receive from Europe, and either sell in the vicinity, or ship for the remoter parts of Upper Canada, without the least competition, and just as they think proper.

Although the number of cultivators is here greater than in the district of Niagara, yet the vast quantity of land under cultivation is not better managed than theirs. The difficulty of procuring labourers obstructs agricultural improvements [500] and encourages them to insist on enormous wages.

The process of clearing woodlands is here the same, as all over America. The husbandmen harrow the cleared ground two, three, or four years successively; during which time wheat is sown. Then they plough, but in a very imperfect manner, and sow pease or oats, and again wheat, and so on, according to the common routine. The land yields, in this state, from twenty to thirty bushels per acre.

Corn, for the winter, is sown from the beginning of August till the end of September. Snow falls generally in the latter days of Novem-

Page 498. "middle district"—"du Milieu," i.e., "Midland District." (The District which by Dorchester's Proclamation of 1788 was the Mecklenburgh District has its name changed to "Midland District" in 1792 by the Upper Canada Act, 32 George III., c. 8, s. 3.) "Queen's Bay"—"la baie de Quenti," i.e., "the Bay of Quenti."

Page 499. After "to England" add "en nature de bled," i.e., "in the shape of wheat." "With a view of raising the importance of the colony in the estimation of the Motherland"—"pour favoriser les moulins de la métropole," i.e., "for the advantage of the mills of the metropolis." "In the course of last year"—"les deux dernières années," i.e., "the last two years."

Page 500. At the end of the paragraph ending "per acre" read "voilà le trantran commun," i.e., "that's the usual thing." "Corn, for the winter"—"Les bleds d'hiver," i.e., "Fall wheat."

ber, and remains on the ground until the beginning of April. Under this cover the blade gets up remarkably well; the corn ripens in July, and the harvest begins about the end of that month. For want of reapers, the scythe is made use of, which causes a great waste of corn, that cannot be housed, and merely serves for feeding pigs. Labourers, whose common wages are from three to four shillings (Halifax currency), are paid during the harvest at the rate of one dollar, or six shillings a day. Some farmers hire Canadians for two or three months, to whom they pay seven or eight dollars per month, and find them in victuals. It frequently happens, that these [501] Canadians, who bind themselves by a written contract, meet with people offering them more money than they receive from their masters, which not being allowed to accept, they, of course, grow dissatisfied, and work negligently. They must be procured from the environs of Montreal. Farmers, who have no acquaintance in that country, find it difficult to obtain them; and this difficulty deters many cultivators from recurring to that resource, from which they might else derive considerable advantages. The harvest work is therefore generally performed by the family: thus the housing of the crops, though it proceed slowly, is yet accomplished; but the farmer has much additional trouble, and the loss he sustains, by his harvest being less perfect, far exceeds the few dollars, which he would have been obliged to spend in gathering in his crops in a more expeditious manner. The soil, which is but of a middling quality in the vicinity of the town, is excellent about the bay; many farmers possess there to the number of one hundred and fifty acres of land, thoroughly cleared.

The climate of America, especially that of Canada, encourages the imprudence and covetousness of the farmers. There is no danger here, as in Europe, of the hay rotting, and the grain being spoiled by rains, if not speedily housed. [502] There seldom passes a day without sunshine; the sky is seldom entirely overcast, it never rains but during thunder-storms, and this rain never continues longer than two hours. Grain is, besides, seldom liable here to blights, or any other kind of disease.

The cattle are not subject to contagious distempers; they are numerous without being remarkably fine. The finest oxen are procured from Connecticut, at the price of seventy or eighty dollars a yoke. Cows are brought either from the state of New York, and these are the finest; or from Canada: the former cost twenty, and the latter fifteen dollars. These are small in size, but, in the opinion of the farmers, better milch-cows, and are for this reason preferred. There are no fine bulls in

Page 500. "Scythe"—"la faux à rateau," i.e., "cradle." ("Faux à rateau" is still good French for "cradle," the spelling *faux* is archaic.)

Page 501. "Acres"—"arpents," not quite the same. "Grain being spoiled"—"les bleds germés," i.e., "the grain sprouted."

Page 502. "Canada"—"Bas Canada," i.e., "Lower Canada." After "small in size" read "donnent de faibles élèves," i.e., "bring forth weakly calves." "Better milch cows"—"au moins aussi bonnes laitières," i.e., "at least as good milch cows." After "preferred" read "par beaucoup de fermiers," i.e., "by many farmers."

the country; and the generality of farmers are not sensible of the advantages to be derived from cattle of a fine breed. In summer the cattle are turned into the woods; in winter, that is, six months together, they are fed on dry fodder, namely, with the straw of wheat, rye, or pease, and on most farms with hay cut on swampy ground, but by rich and prudent farmers with good hay. The hay is frequently kept the whole winter within a sort of fence, covered with large branches, through which, however, the snow finds its way; but commonly [503] it is preserved in ricks badly made, and under Dutch hay-sheds. The meadows yield to the quantity of four thousand pounds per acre, but no aftercrop. There is no ready market at which a farmer can sell that part of his cheese and butter, which is not wanted for the use of his family. Of cheese and butter, therefore, no more is made, than the family need for their own consumption. They generally begin in the first days of May to make a provision for the winter. Some few farmers manufacture coarse woollens for their own clothing; the more usual way, however, is to buy the clothes. The farmer is too busy, has too little assistance, and makes his calculations with too little judgment, to engage in such a multiplicity of labours.

Sheep are more numerous here than in any part of the United States, which we have hitherto traversed. They are either procured from Lower Canada, or the state of New York, and cost three dollars a head. They thrive in this country, but are high legged, and of a very indifferent shape. Coarse wool, when cleaned, costs two shillings a pound. There are few or no wolves, rattle-snakes, or other noxious animals, in this country.

The farmers make but little maple-sugar, though the woods abound with the trees, from [504] which it is procured. The Indians import about two or three thousand pounds, and sell it to the retail traders for one shilling a pound. Maple-sugar is prepared in much larger quantities in Lower Canada. The Canadians eat it here on bread, or make cakes of it, mixed up with flour of wheat, or Indian corn. On

Page 502. "The hay is frequently, etc., etc."—the translator wholly misunderstands the text; the author is speaking of the cattle, not the hay. The author goes on "*Les bonnes granges, au moins pour le foin n'y sont pas plus communes que les bonnes étables, le foin est généralement conservé en mauvaises meules ou sous des barraques hollandaises,*" i.e., "Good barns, at least for hay, are as scarce as good stables; the hay is commonly kept in poorly made stacks or under Dutch sheds."

Page 503. After "after crop" the text reads "*le cultivateur ne trouve pas facilement à vendre ce qu'il en conserve au delà de sa consommation,*" i.e., "it is hard for the farmer to find a market for the hay he does not require for home consumption." After "buy the clothes" add "*au store,*" i.e., "at the store." "Two shillings"—"*deux schellings demi,*" i.e., "2s. 6d." (half a dollar). "Few or no wolves, no rattlesnakes or noxious animals" is the correct translation.

Page 504. "import"—"*apportent*" "bring in." "here" "*là,*" i.e., "there."

the maple-tree frequently grows a sort of knobs, or fungusses, of a very large size. If these excrescences be torn from the tree, and dried in the sun, they form an excellent tinder, which the Indians and Canadians use to light their pipes. Notwithstanding the great number of pines, no resin has yet been gathered. The culture of hemp and flax has been tried, but hitherto without success; the experiments, however, are continued.

The price of wheat is one dollar per bushel; last year the price was much lower; but it has risen from the general failure of the harvest. Fire-wood, delivered in the town, costs one dollar a cord; in winter it is conveyed thither in sledges from all the islands and banks of the river, which are covered with wood.

The river freezes over at the distance of twenty miles above Kingston.

The price of land is from two shillings and six-pence to one dollar per acre, if the twentieth part be cleared. This price rises in proportion [505] to the number of acres cleared of wood, though influenced by occasional circumstances. Two hundred acres, one hundred and fifty of which were cleared, were very lately sold for one thousand six hundred dollars. The expence for cutting down all the large trees on an acre, and inclosing it with a fence as rude as in the United States, amounts to eight dollars.

There is no regular market in Kingston; every one provides himself with fresh meat as well as he can, but frequently it cannot be had on any terms.

For this information I am chiefly indebted to Mr. STEWARD, curate in Kingston, who cultivates himself seventy acres, part of two thousand acres, which have been granted him as an American loyalist. He is a native of Harrisburg in Pennsylvania, and seems to have zealously embraced the royal cause in the American war. Fifteen hundred pounds sterling, which he had placed in the American funds, have been confiscated. Although he continues warmly attached to the British Monarch, yet he has become more moderate in his political principles; he has preserved some friends who espoused the cause of the Republic, among whom is Bishop White, of Philadelphia. Mr. Steward is a man of much general information, mild, open, affable, and universally [506] respected; he is very sanguine in his expectation that the price of land will rise, and that he shall then be enabled to portion out his numerous children. Without being a very skilful farmer, he is perfectly acquainted with the details of agriculture, so that I can place implicit confidence on his statements, the truth of which has also been confirmed by other husbandmen.

Page 505. "curate"—"ministre," i.e., "minister" (Rev. John Stuart, the Rector at Kingston). After "American funds" read "du chef de sa femme," i.e., "in right of his wife."

The number of farmers is very small about Kingston. By Mr. Steward's report, the agreement between the land-owner and farmer is generally made for their joint account, but not always faithfully performed. From his having been imposed upon in such agreements, he leased out last year four hundred and thirty acres, which are situated on the bay, and forty of which are cleared, for a yearly rent of one hundred and fifty bushels of grain; on condition that, if at the expiration of three years his tenant be desirous of acquiring the property of these lands, he must pay him one thousand dollars; in default whereof, he is bound to quit the land, and will consequently lose all the money and labour spent in clearing the ground.

The clergy of the Episcopal church are the only ministers in Upper Canada, who are paid by government. The members of other religious sects pay their pastors if they choose to have [507] any. In the district of Kingston are Baptists, Presbyterians, Roman Catholics, and Quakers; but they possess no building devoted to religious worship. Some of the inhabitants of Kingston are American loyalists; but the majority is composed of Scots, English, Irish, Germans, and Dutchmen.

The emigration from the United States is not considerable; during the last three or four years it has been very insignificant indeed, but gains now, it is asserted, a more promising appearance. This intelligence, which we first received from people attached to the English government, has since been confirmed to us by a great many labourers. These new colonists emigrate most of them from the States of Connecticut, Vermont, and New Hampshire. The emigration from Canada to the United States is far less considerable.

If any dependence might be placed on the report of persons, who arrived four years ago from the River Mohawk, such families, as are suspected of an attachment to Great Britain, are, in the United States, looked upon rather with an evil eye; but perhaps they give out such reports, merely that they may meet with a better reception in the British possessions.

The inhabitants of the district of Kingston meddle still less with politics than the people of [508] Newark. No newspaper is printed in the town; that of Newark is the only one published in Upper Canada, which being a mere imperfect extract from the Quebec Gazette, is here taken in by no one. I know but of two persons who receive even the Quebec-paper. As to the interior of the country, no news penetrates into that quarter, a circumstance that excites there very little regret.

In this district are some schools, but they are few in number. The children are instructed in reading and writing, and pay each a dollar a month. One of the masters, superior to the rest in point of know-

Page 506. "The number of farmers, etc." "tenans," i.e., "tenant farmers." In the original the number of acres "leased out" by Mr. Stuart is given as 4,300—"Episcopal"—"Anglicane."

Page 507. "Baptists"—"Anabaptistes."

ledge, taught Latin; but he has left the school, without being succeeded by another instructor of the same learning.

There are yet but very few surgeons in this district; they, who assume this appellation, contrive to get well paid for their trouble. Excepting intermittent fevers, which are rather frequent in Kingston, the climate is very healthy. The houses, as has already been observed, are built of wood, for reasons which it is extremely difficult to discern. The town is seated on rocky ground; and not the smallest house can be built without the foundation being excavated in a rock, a sort of stone which affords the two-fold advantage of being easily cut, and of growing hard [509] when exposed to the air, without cracking in the frost. The inhabitants allow that, if bricklayers were procured even from Montreal (for there are none in this place), building with stone would be less expensive than with wood. They grant that, in addition to the greater solidity of such buildings, they would afford more warmth in winter, and more coolness in summer; but habit is here, as elsewhere, more powerful than reason. Carpenters' wages amount to sixteen shillings a day; labourers are equally scarce in Newark, and consequently as bad and as dear.

This district contains no paupers, and, of course, there exist no poor rates; the taxes are managed in the same manner as at Newark.

The roads at Kingston are much the same as at Newark; they are kept in good repair by ten days' labour, from which none of the inhabitants are excepted, all being obliged to work ten days at the roads. Labouring people complain, and not without reason, that this public burthen has not been assessed in a manner more proportionate to the means of the inhabitants; and calculate, with some degree of discontent, that their ten days' labour is tantamount to a tax of twelve dollars and upwards; for they must also find their own victuals when they work on the roads.

There is but one church in Kingston, and this, [510] though very lately built, resembles a barn more than a church,

We had a letter from General Simcoe to the Commanding Officer in Kingston, who, at our arrival, was Captain PARR, of the sixtieth regiment. Six hours after the detachment, commanded by that gentleman, was relieved by another of the same regiment, under the orders of Major DOBSON. This circumstance, however, did not prevent Captain Parr from giving us the most obliging proofs of civility and kindness. He is the son of the aged Governor of Nova Scotia. At first he seems cold, grave, and reserved; but his countenance brightens on a nearer acquaintance, and grows more open, gay, and cheerful; he soon

Page 509. "Bricklayers"—"maçons," i.e., "masons."—"labourers . . . Newark"—"Les domestiques soul aussi rares, au moins qu'à Newark, par conséquent aussi chers et aussi Mauvais" "domestics are at least as scarce as at Newark and consequently as dear and as bad" "Ten days"—"douze journées," i.e., "twelve days."

Page 510. "the aged Governor"—"l'ancien gouverneur," i.e., "the former Governor."

fell into an easy familiarity of conversation, which was heightened during our dinner. His behaviour was entirely free from ceremony, and indicated that he was not displeased with our society.

This dinner, which he gave to the newly arrived officers, forms for us a remarkable epocha. The ingenuity of the English in devising toasts, which are to be honoured with bumpers, is well known. To decline joining in such a toast would be deemed uncivil; and, although it might be more adviseable to submit to this charge, than to contract a sickness, yet such energy of character [511] is seldom displayed on these occasions. Unwilling to oppose the general will, which becomes more imperious in proportion as heads grow warmer, you resort to slight deceptions in the quantity you drink, in hopes thus to avert the impending catastrophe. But this time none of us, whether French or English, had carried the deception far enough, and I was concerned to feel, the remainder of the evening, that I had taken too lively a part in the event of the two detachments relieving each other.

The sixtieth regiment, to which they belong, is the only regiment in the English service, excepting the guards, which consists of four battalions. This regiment, which at the time of the war of 1757 was composed only of two battalions, was raised in America, and as many foreigners as Englishmen were enlisted. It was afterwards augmented to four battalions, and was considered, as in fact it is still in many respects, as a foreign regiment. The first two battalions have never yet left America; the two others have been stationed in Jersey, Guernsey, and the Antilles. General AMHERST is colonel of this regiment*. In point of duty, promotion, and command, the [512] four battalions are perfectly independent of each other.

The officers we have seen are well bred and extremely polite. *

* * * * *

Page 510. "epocha"—"epoque."

Page 511. After "As many foreigners as Englishmen were enlisted" add—"les officiers ont pu être choisis de même," i.e., "the officers were chosen in the same proportion." After "Antilles" read "et ce n'est que dernièrement et avec peine qu'ils ont été reçus en Angleterre," i.e., "And it is only recently and with difficulty that they have been received in England."

*On the death of Lord Amherst, His Royal Highness the Duke of York was appointed Colonel of the sixtieth regiment.—*Translator*.

Page 512. The starred part reads "Nous nous croyons en droit de penser que tous sont bien loin d'être ce qu'on appelle *aristocrates*. Beaucoup d'eux désapprouvent la guerre actuelle, ainsi que la dernière guerre d'Amérique, et montrent des sentiments de liberté et de politique qui me semblent être justes, libéraux et honnêtes; mais que certes ne sont pas ceux que professent M. Pitt et son parti. On nous dit que ce genre d'esprit est très-répandu dans l'armée. Comme nous ne sommes pas en situation de pousser fort loin ce genre de conversation, nous n'en avons pas su tout ce que nous aurions peut-être pu en apprendre. Au reste, aucun de ces officiers ne sait un mot de la révolution française dont cependant chacun veut parler autant par obligeance mal entendue pour nous, que par curiosité et par amour-propre," i.e., "We believe that we have good ground to think that all are very far from being what are called *aristocrats*. Many of them disapprove of the existing war as well as of the recent American war, and

The general opinion, in regard to Canada, is, that this country proves, at present, very burthensome to England, and will be still more so in future; and that, of consequence, Great Britain would consult her true interest much better by declaring Canada an independent country, than by preserving it an English colony, at so enormous an expence. The Canadians, say they, will never be sincerely attached to England, so that, if, in time of war, a militia were raised, not half of them would take up arms against America, and none perhaps against France. The British government commits, therefore, in their opinion, a gross error, in expending such vast sums in attempting to improve and preserve a country, which, sooner or later, is sure to secede from Great Britain, and which, did it remain faithful to the mother country, could not be of real service to it for any length of time.

These gentlemen further assert, in direct contradiction to General Simcoe's opinion, that the majority of new settlers of Upper Canada, who emigrate from the United States, and who are [513] esteemed loyalists, would certainly assist those States, if they marched any troops into that country. I am not qualified to form a correct judgment on these opinions, which are perhaps mere effusions of the displeasure of officers, obliged to serve at so great a distance from Great Britain*; yet they appear to be not altogether destitute of foundation. But, however this may be, all the Canadians, we have seen, whether the inhabitants of the country or sailors, constantly expressed the utmost satisfaction on meeting with us Frenchmen of old France, and evinced a degree of respect and obligingness, to which we had long been unaccustomed. I cannot say much on the character of this people;

exhibit sentiments of liberty and views of government which seem to me to be just, liberal and commendable, but which are certainly not those of Mr. Pitt and his party. We are informed that such sentiments prevail widely in the army. As we are not in a position to pursue very far that kind of conversation, we have not learned all we perhaps might have learned. None of these officers knows anything of the French Revolution; nevertheless, every one of them wants to speak of it as much from ill-conceived courtesy toward us as from curiosity and self-complacency."

After "the general opinion" read "*parmi les officiers*," i.e., "among the officers." After "to England" read "*qu'ils laissent à chaque instant percer leur attachement pour la France, tout en convenant qu'ils sont mieux traités par le gouvernement anglais*," i.e., "that constantly they allow to appear their attachment to France, even though they admit that they are better treated by the English government."

*Whether the political opinions of the officers of the sixtieth regiment, alluded to by the Duke, be correctly stated, must be left to these gentlemen to explain. But the supposition, that British officers, from a mere dislike to remote garrisons, should censure administration for not abandoning a colony, which in the author's opinion is "a bright jewel in the British crown"—"an important conquest," and the loss of which appears to him "a public calamity," is an effusion of Gallic petulance, which should not pass unnoticed.—*Translator*.

Page 513. After "sailors" add "*et nous n'avons pas laissé que d'en voir en assez grand nombre*," i.e., "and we have not failed to see a great many of them." "I cannot say much on the character of this people—" *Je ne puis rien dire du caractère de ce peuple chez qui nous ne sommes pas encore*," i.e., "I can say nothing of the character of the people whom we have

all who came under my observation were full of spirit, active, gay and merry.

The royal navy is not very formidable in this place; six vessels compose the whole naval force, two of which are small gun-boats, which we saw [514.] at Niagara, and which are stationed at York. Two small schooners of twelve guns, viz., the Onondago, in which we took our passage, and the Mohawk, which is just finished; a small yacht of eighty tons, mounting six guns, and lastly the Missasoga, of as many guns as the two schooners, which has lately been taken into dock to be repaired, form the rest of it. All these vessels are built of timber fresh cut down, and not seasoned, and for this reason last never longer than six or eight years. To preserve them even to this time requires a thorough repair; they must be heaved down and caulked, which costs at least from one thousand to one thousand two hundred guineas. The expence for building the largest of them amounts to four thousand guineas. This is an enormous price, and yet it is not so high as on Lake Erie, whither all sorts of naval stores must be sent from Kingston, and where the price of labour is still higher. The timbers of the Missasoga, which was built three years ago, are almost all rotten. It is so easy to make provision of ship-timber for many years to come, as this would require merely the felling of it, and that too at no great distance from the place where it is to be used, that it is difficult to account for this precaution not yet having been adopted. Two gun-boats, which are destined by Governor Simcoe to [515] serve only in time of war, are at present on the stocks; but the carpenters, who work at them, are but eight in number. The extent of the dilapidations and embezzlements, committed at so great a distance from the mother-country, may be easily conceived. In the course of last winter, a judicial enquiry into a charge of this nature was instituted at Kingston. The commissioner of the navy, and the principal ship-wright, it was asserted, had clearly colluded against the King's interest; but interest and protection are as powerful in the New World as in the Old:—for both the commissioner and ship-wright continue in their places.

Captain BOUCHETTE commands the naval force on Lake Ontario; and is at the head of all the marine establishments, yet without the

not yet visited." After "merry" read "La dixième partie d'entr'eux ne sait pas un seul mot d'anglais, et se refuse à l'apprendre: leur figure est expressive, ouverte, bonne, et je les vois avec plus de plaisir que je n'ai vu aucun peuple depuis trois ans," i.e., "Not a tenth of them know a word of English and they refuse to learn it; their face is expressive, open, good-natured, and I looked on them with the greater pleasure as I had not seen any common people (peasantry) for three years."

Page 514. "Eighty"—"quarante," i.e., "forty." "Six or eight"—"cinq à six," i.e., "five or six."

Page 515. "dilapidations and" is an interpolation by the translator, who omits "on en fait le reproche aux commissaires de la marine," i.e., "the commissioners of the navy have been charged with them" (the malversations). "Bouchette"—"Bouchotte," a misprint often repeated.

least powers in money-matters. This gentleman possesses the confidence both of Lord Dorchester and Governor Simcoe; he is a Canadian by birth, but entered the British service, when Canada fell into the power of England. While Arnold and Montgomery were besieging Quebec, Lord Dorchester, disguised as a Canadian, stole on board his ship into that city, on which occasion he displayed much activity, intrepidity and courage. It was not at all a matter of surprise that Lord Dorchester should bear in mind this [516] eminent service. By all accounts, he is altogether incorruptible, and an officer, who treats his inferiors with great mildness and justice.

In regard to the pay of the royal marine force on Lake Ontario; a captain has ten shillings a day, a lieutenant six, and a second lieutenant three shillings and sixpence. The seamen's [sic] wages are eight dollars per month. The masters of merchantmen have twenty-five dollars, and the sailors from nine to ten dollars a month.

Commodore Bouchette is among those, who most strenuously oppose the project of removing to York the central point of the force on the lake; but his family reside at Kingston; and his lands are situated near that place. Such reasons are frequently of sufficient weight to determine political opinions.

The desertion among the troops is not so considerable from Kingston, as from the forts Oswego, St. John, Niagara, and Détroit; from all those posts, in short, which lie nearer to the United States. Yet, it is pretty prevalent in all the garrisons of British America. We were told by the officers, that the first two or three years after the arrival of the regiment from Europe, no soldier deserts, but that envy and habit soon corrupt their mind. The discipline appears to me more severe in the British service, than it [517] ever was in ours. The men are treated with less attention and kindness.

Several regiments employ the Indians to apprehend deserters. In addition to the eight dollars, which are allowed by government for every deserter, brought back to his regiment, the captains promise them eight dollars out of their private purse, and inspirit them by some glasses of rum. These Indians then enter the American territory, where they are acquainted with every foot-path, every track, which they pursue without ever losing their way, and frequently fall in with the deserter, whom they stop, bind and bring back. If the deserter, which is frequently the case, be attended by inhabitants of the United

Page 515. "While Arnold, etc."—"c'est lui qui dans la moment où Arnold et Montgomery assiégeaient Québec, y a fait entrer sur son bateau, Lord Dorchester déguisé en Canadien," i.e., "it was he who when Arnold and Montgomery were besieging Quebec effected the entry into that city on his boat of Lord Dorchester, disguised as a Canadian." (After the word "stole," Smith has inserted "from").

Page 517. After "losing their way" add "dont tout autre qu'eux ne découvrirait pas la trace," i.e., "of which none but they could discover the trail." After "bring back" add "avant qu'il soit arrivé à la partie habitée des États," i.e., "before he gets to the settled part of the States."

States, the Indians make no attempt to stop him, but the English officers place sufficient confidence in the honesty of the Indians to suppose, that they will not suffer themselves to be bribed either by money or rum, which the deserters might offer.

The nearest regular Indian habitations are forty miles distant from Kingston, and belong to the Mohawks. About the same distance from the town are also some villages of the Missasogas, and wandering tribes of the same nation are constantly rambling about the banks of the lake, pass a few nights in one place and a few in another, cross the river on the confines of the [518] United States, and stop in the islands. Hunting and fishing are their only employments. They are the filthiest of all the Indians, I have hitherto seen, and have the most stupid appearance. They are said to live poorly, to be wicked and thievish, and men, women and children all given to drinking. The uncommon severity of the winter in this country occasions not the least alteration in their mode of living. In their small canoes they carry with them some rolls of the bark of soft birch*, which serve to cover the huts, built in form of a cone, wherein they sleep, and which are supported merely by some slight props, on which rest these portable walls, that at the top leave a passage for the smoke.

In the month of September the Indians bring wild rice to Kingston, which grows on the borders of the lake, especially on the American side. This plant, which loves marshy ground, succeeds there remarkably well. The Indians bring yearly from four to five hundred pounds of this rice, which several inhabitants of Kingston purchase for their own consumption. This rice is of a smaller and darker grain than that, which comes from Carolina, Egypt, etc., but grows as white in the water, is of a good flavor, and affords full as [519] good nourishment, as the latter. The culture of rice would be very useful in Europe for the subsistence of the poor, especially as in those parts the frequent use of it would not prove injurious to health, which it certainly does in hot countries. *Wild rice* is said to be the same plant, which in Canada is called *wild oats* (folle avoine).*

The same banks of Lake Ontario, where this wild rice grows, produce also a species of hemp, which grows up to a considerable height without the least culture, and is apparently as useful as that, which is

Page 517. "Missasogas"—"Missossogas."

**Betula lenta*, Linn. called by the French inhabitants of Canada, *mérissier*.—*Translator*.

Page 518. "Soft birch"—du bouleau connu en botanique sous le nom de *betula lenta* i.e., "birch known botanically as *betula lenta*." After "the smoke" add "ce sont les mêmes dont ils font leurs pirogues," i.e., "this is the same bark of which they make their canoes." (Smith has transposed "wild rice" and "to Kingston").

*The Duke seems to be misinformed on this subject. The *Wild oat* (*avena fatua*) is a plant altogether different from *wild rice*, (*oryza sylvestris*, Linn)—*Translator*.

Page 519. "The culture of rice," "de ce riz," i.e., "of this rice." "Wild oats" is an interpolation by the translator.

cultivated in France. It is stronger, produces more seed, and its transplantation to Europe would probably be attended with beneficial results.

To beguile *ennui*, and enjoy a few hours longer the society of our friend, Captain Parr, we accompanied him to the distance of six miles from Kingston. His detachment occupied seven vessels, and he had one for himself. The soldiers were without exception as much intoxicated as I ever saw any in the French service. On the day of their departure they were scarcely able to row, which rendered our tour extremely tedious [520]. On our return, wind and current were against us, so that we proceeded very slowly. Canadians rowed our boat, and according to their custom ceased not a moment to sing. One of them sings a song, which the rest repeat, and all row to the tune. The songs are gay and merry, and frequently somewhat more; they are only interrupted by the laugh they occasion. The Canadians, on all their tours on the water, no sooner take hold of the oars, than they begin to sing, from which they never cease until they lay the oars down again. You fancy yourself removed into a province of France; and this illusion is sweet. Our whole day, from six o'clock in the morning until nine at night, was consumed in this tour. So much the better; a day is gone; for although the unwearied politeness of the officers afford us every day in Kingston a comfortable dinner and agreeable society from four to eight o'clock in the evening, yet we cannot but feel much *ennui* in a place, where no sort of amusement, no well-informed man, and no books shorten the long lingering day.

Our situation is extremely unpleasant, and might well render us melancholy, did we give up our mind to irksome reflection. Mr. Guille-mard is gone to Montreal, with the Captain. He is perfectly right, for he would have shared in [521] our weariness, without giving us the least relief. He is a man of superior worth. The goodness of his heart, united with the charm of an enlightened mind, have long inspired me with the strongest attachment for him. His determination to leave us gave me, therefore, the utmost concern.

After a hearty breakfast, served up at a place somewhat remote from the troop, we took leave of Captain Parr. The place, where we breakfasted, belongs to Captain STORE, a native of Connecticut, captain in the militia of Upper Canada, a loyalist and proprietor of seven hundred acres of land, by virtue of a grant of the British government. He is owner of a saw-mill, which is situated on the creek of Guansignouqua, and has two movements, one of which works fourteen saws, and the other only one. The former may be widened and narrowed;

Page 519. "six miles"—"six lieues," i.e., "six leagues." "as much intoxicated, etc."—"plus ivres, etc.," i.e., "more intoxicated, etc."

Page 520. "With the Captain" "avec le capitaine Parr," i.e., "with Captain Parr."

Page 521. "Store" is corrected in pencil by Smith to "Stone."

but frequently cannot work all at once, from the size of the logs and the thickness of the boards. We saw thirteen saws going; a log, fifteen feet in length, was cut into boards in thirty-seven minutes. The same power, which moves the saws, lifts also, as it does near the falls of Niagara, the logs on the jack. For the sawing of logs the Captain takes half the boards; the price of the latter is three shillings for one hundred feet, if one inch [522] in thickness, four shillings and sixpence, if one inch and a half, and five shillings, if two inches. The same boards, if only one inch thick, cost five shillings in Kingston. On the other side of the creek, facing Dutchmill (this is the name of Captain Store's mill), stands another mill, which belongs to Mr. JOHN-SON, who uses half the water of the creek. We viewed the latter only at a distance from the shore; the whole prospect is wild, pleasing and romantic, and made me sincerely regret my unskilfulness in drawing. The land is here as good as at Kingston.

Although a communication by land is opened between Montreal and Kingston, and though half the road is very good, yet the intercourse between these places is mostly carried on by water. The rapidity of the stream does not prevent vessels from being worked up the river, and this tedious passage is preferred to that by land, even for the troops. All the provisions, with which Canada is supplied from Europe, are transported in the same way; and the whole correspondence is carried on by this conveyance, but in a manner extremely irregular; at times eight days elapse even in summer, without any vessel going up or coming down the lake.

During our long residence in Upper Canada we had an opportunity of seeing a Canadian family [523] who were emigrating to the Illinois River. The husband had examined the settlement last year, and was now removing thither with his whole family, consisting of his wife and four children, all embarked in a boat made of bark, fifteen feet in length by three in width. While the parents were rowing at the head and stern, the children, excepting the oldest, who was likewise rowing, were seated on mattresses or other effects; and thus they sang and pursued their voyage of at least one thousand one hundred miles. We met them at Newark. They proceed along the banks of the lakes and rivers, lie still every night, make a sort of tent of their sheets supported by two poles, dress their supper, eat it, wrap themselves up in their blankets until the morning, set off at eight o'clock, stop once

Page 522. "Five shillings," add "et demi," i.e., "and sixpence." "Dutchmill"—"ce dutch-mill," i.e., "this Dutch mill." "Another mill"—"un autre moulin à scie," i.e., "another sawmill." "From a distance from the shore"—"du bord du capitaine Store," i.e., "from Captain Store's shore." "Going up or coming down the lake," omit "the lake." The translator here omits "en tout, ce pays est neuf pour toutes les ressources, et il n'est pas de ceux dont l'habitation m'aurait tenté de préférence," i.e., "this country is new in all respects and it is not such as would tempt me to choose it for a home."

a day to a meal, and then pursue their voyage again until the evening. They generally advance from fifteen to twenty miles a day, but, when bad weather comes on, or they meet with rapids or other obstructions, which force them to go by land, their progress is shorter, and they frequently rest a whole day. Having set out from Montreal, they came up Lake Ontario; thence they pass Lake Erie, go up the Miami River, travel about six or seven miles by land, and then reach the Theakiki River, which empties itself into the Illinois, or embark on [524] the Wabash*, which communicates by several branches with the Illinois, and thus proceed to the spot where they intend to settle. New colonists commonly form their settlements on the banks of that river, and chiefly consist of French Canadians.

There is another way from Montreal to the Illinois, which is said to be more frequented than the former; namely, up the Ottawas River or Great River † to Nipissing Lake, and thence by the French River to Lake Huron. On this way you meet with thirty-six places where the boats are to be carried over land, which, however, are very short. From Lake Huron you proceed by the Straits of Michillimackinak to Green Bay, thence by the Crocodile River, Roe Lake, and River Saxe, after a short passage over land to Ouisconsing River, which empties itself into the Mississippi, which you descend as far as the Illinois, and thence go up this river. The way, just pointed out, is much longer than the other, but is generally preferred, especially by the agents of the [525] fur-trade. On returning to the westward, this is the same way, which you travel from Montreal as far as the Straits of Michillimackinak, which you leave on the left, to reach Lake Superiour, on which you proceed to the great carrying place, thence to the Lake of the Woods, and so on.

The settlement on the Illinois is a large *depôt* for the fur-trade; nay, it is the last principal factory in that direction, the chief magazine of which is at Fort Michillimackinak; but the agents travel one hundred miles farther and traffic even with the Indians of Louisiana.

Page 523. "Theakiki River"—"Theahikiriver." (The Kankakee River.)

*This beautiful river of the north-west territory is peculiarly celebrated on account of a copper mine on its northern bank, which is the richest vein of native copper that has hitherto been discovered.—*Translator*.

†The Duke seems misinformed as to the appellation of the Great River, by which the Miami is meant in America, not the Ottawas.—*Translator*.

Page 524. "Great River"—"la grande rivière." "Nipissing"—"Nipissin." "French River"—"la rivière des Français (French men's river)," a misprint for "Frenchmen's River." "From Lake Huron, etc." "Du lac Huron on entre dans le lac Michigan par le détroit de Michillimackinack, en suite dans la green bay, du fond de laquelle on passe dans la rivière du Crocodile, puis par le lac du riz (rice lake), et par la rivière Saxe, on parvient après un court portage à la rivière Ouisconsin, etc." i.e., "From Lake Huron, Lake Michigan is reached by the Strait of Michillimackinac, then Green Bay, from the head of which you enter the Crocodile River, then by Rice Lake and the River Saxe and a short portage, the River Wisconsin is reached."

Page 525. "Michillimackinak"—"Michillimackinack."

This traffic is chiefly carried on with rum, but also with guns, gun-powder, balls, blankets, small coral collars, small silver buckles, bracelets, and ear-rings, which are all worn by the Indians in proportion as they are more or less rich.

The common standard, by which the Indians estimate the value of their peltry, is the beaver-skin; so many cat-skins are worth one beaver-skin; buckles, guns, or a certain quantity of rum, are worth one or two beaver-skins, or perhaps only a part of one. The traders generally give the Indians in summer a part of the articles they want on credit; but the skins they take in exchange are sold at so low a price, and the provision they sell rated so high, that they can well afford to give credit, the more so as the Indians [526] are, in general, pretty punctual in fulfilling their engagements. These Indians hunt, live in families rather than in tribes, and are, by all accounts, distinguished by the same vices, the same qualities, and the same manners, as those we have had an opportunity of observing in the vicinity of the lakes.

The trade in these parts is carried on not by the Hudson's Bay Company, but by two or three houses in Montreal, especially by Mr. TODE, to whom I am indebted for the communication of these particulars. The Missouri River alone has hitherto been shut up against foreign traders by the Spaniards, who have there a fort. Besides the Canadian habitations, which stand along the banks of the Illinois either scattered or assembled in villages and towns, the Illinois Town contains about three thousand inhabitants. There are also some Canadians, who reside among the Indians, and live exactly as they do. All these settlements are in the north-west territory, belonging to the United States; for that part of the banks of the Missouri, which appertains to Spain, is not inhabited, excepting St. Louis and St. Genevieve, for eighty miles from New Orleans, and but very thinly peopled beyond this.

Such peltry as is exported in the course of trade is conveyed to Montreal by the same way which [527] the traders travel to these points. The mouth of the Mississippi, which by the new treaty with Spain has been ceded to the Americans*, and the friendly manner in which the Spanish Governor favours this branch of commerce, pro-

Page 525. "coral collars"—"colliers de porcelaine." "cat-skins"—"de peaux de rats, des chats, etc.," i.e., "(musk) rat and (wild) cat skins, etc." After "one beaver-skin" read "une peau de loutre en vaut deux," i.e., "an otter-skin is worth two beaver-skins."

Page 526. "For that part of the banks of the Missouri, etc."—"car les bords espagnols, à Saint Louis et Sainte Gèneviève près, ne sont habités qu'à quatre vingt milles de la nouvelle Orléans et le sont peu jusqu'ici," i.e., "for the Spanish shores almost to St. Louis and Ste. Genevieve are inhabited only to eighty miles from New Orleans, and, so far, only sparsely."

Page 527. "The mouth of the Mississippi . . . ceded to the Americans . . ."—"L'ouverture du Mississippi accordée aux Américains . . ." i.e., "The free navigation of the Mississippi granted to the Americans, etc."

*By the treaty of 1796, between the United States and Spain, the former obtained the free navigation of the Mississippi, but not the cession of the mouth or rather mouths of the river.—*Translator*.

cure their trade a more expeditious and less expensive outlet, so that in this way the expense has been lessened one-tenth. By the same way furs can be transmitted either to the United States or to any part of Europe, as the merchant chooses, while all peltry, which reaches Montreal, by the English laws can be sent only to Great Britain. The provision to be exchanged for these articles may also be bought in the cheapest markets, and, consequently, at a much lower rate than in Montreal, where the exorbitant duty on all merchandize, landed in Canada, and which, moreover, Great Britain alone has a right to import, raises their price in an enormous degree.

The furs in the whole of this country are of an inferior quality, if compared with the peltry of those parts which are situated north of the lakes, where the Hudson's Bay Company alone carries on this trade. By Mr. Tode's account you may [528] travel in an easy manner, from Montreal to the Illinois in fifteen days, and from the Illinois to New Orleans in twenty. The navigation of the Mississippi is good, but requires great prudence and attention, on account of the rapidity of the stream, and the great number of trunks of trees with which its bed is filled in several places. The whole country, through which it flows, is extremely fertile and delightful.

On Wednesday the 22d of July arrived the long-expected answer from Lord Dorchester. It was of a nature to strike us with amazement—a solemn prohibition, drawn up in the usual form, against coming to Lower Canada. It was impossible to expect anything of that kind. Mr. Hammond, the English Minister to the United States, had invited us himself to visit Canada, and removed the difficulties, which, from the report of other Englishmen, I apprehended on the part of the Governor-general, by assuring me, that Lord Dorchester had requested him to take it for the future entirely upon himself, to grant passports for Lower Canada, as he knew better than the Governor-general the travellers who came from the United States; and that the letters which he should give me would, without previously concerting with Lord Dorchester, secure me from all unpleasant incidents. I could [529] not, therefore, entertain the least apprehension of a refusal, as I had not the smallest reason to suppose that Mr. Hammond, who had loaded me with civilities, would have deceived me on this subject.

But his Excellency had been pleased to order his Secretary to send me an order of banishment, which he had not even taken the trouble to sign. They told me, by way of consolation, that his Excellency was rather weak of intellect, that he did not do any thing himself, &c.;

Page 527. "Provision"—"*denrées*," i.e., "wares" (The translator consistently gives "provision" or "provisions" for "*denrées*," although the English word seldom expresses the meaning of the French "*denrées*" in this work).

Page 528. "And delightful" is an interpolation.

Page 529. "An order of banishment"—"*un ordre d'exclusion*," i.e., "an exclusion order," i.e., a prohibition against entering Lower Canada.

that some emigrated French priest might have played me this trick by his influence over his Lordship's secretary or his mistress;—and well may this be the case; for, though Heaven be thanked! I have never injured any one, yet I find constantly people in my way, who endeavour to injure me. But, be this as it may, a resolution must be taken, and the best of any is, to laugh at the disappointment. May it be the only, or at least the most serious frustration of my hopes, which yet awaits me.

On my arrival in Canada, *my Grace* was over-whelmed with honours, attended by officers, complimented and revered, wherever I made my appearance; and now—banished from the same country like a miscreant!

“Et je n'ai mérité

“Ni cet excès d'honneur ni cette indignité.”

[530.] On such occasions, as in many other situations in life, we ought to call to mind, that our own sentiments and feelings can alone honour or degrade us, and that conscious rectitude exalts us above all villains, great and low, above all fools, and all tattlers.

My eagerness to quit the English possessions as soon as possible, after the receipt of this letter, will be easily conceived; though, upon the whole, I cannot too often repeat, that the civilities shown us by the English officers at Kingston, as well as Niagara, deserve our warmest praise.

Major DOBSON being sensible of the necessity of our leaving Canada with the utmost speed, assisted us with true and sincere politeness, but for which we should not have been able to attain our end as soon as we wished; for, generally, no vessel sails from Kingston to the American coast except twice a year. He lent us his own barge, on board of which we embarked, four hours after the receipt of the Secretary's letter, for the United States, where no commandant, no governor, no minister, enjoys the right of offending honest men with impunity.

We shaped our course for Oswego, where we hoped to meet with an opportunity of a speedy passage for Albany. The four soldiers, who composed our crew, were intoxicated to such a degree, [531] that the first day we scarcely made fifteen miles, though we sailed twelve of them. Mr. Lemoine, the officer who commanded them, made them pay dear for the delay of the preceding day, by obliging them to row this day at least fifty-five miles. We left, at four o'clock in the morning, the long island where we passed the night. A heavy fall of rain had wetted us through to the skin; the wind had destroyed the slight covering we had made of branches of trees; the musquitoes had nearly devoured us; in short, we had scarcely enjoyed a moment's rest.

Page 530. “tattlers”—“barbouilleurs,” i.e., “poor writers or talkers, etc.” “With impunity” is an interpolation by the translator.

Page 531. “This day”—“le lendemain,” i.e., “on the morrow.”

But the weather cleared up; the morning grew fine; and we soon forgot the sufferings of the preceding night.

We reached Oswego at half-past eight in the evening, having scarcely stopped an hour in the whole course of the day. This passage is seldom effected in less than two days; but instead of coasting along the shore, we stretched from the place where we breakfasted straight over to Oswego, without approaching the land; an undertaking, which, but for the fairness of the weather, might have proved extremely hazardous.

Previous to our departure, we enjoyed the satisfaction of hearing the report of Admiral Hotham's second victory in the Mediterranean, and of the capture and destruction of four French ships [532] with fifteen thousand land-troops on board, destined for Corsica, contradicted by an officer, who arrived from Quebec. This action had been so frequently alleged to us, as a proof of the immense superiority of the English ships over the French, that we felt extremely happy on finding the whole report vanish like a dream.

The restoration of tranquillity and order in our country depends, at this time, more than ever on the successes of the French.—May they be as complete as I wish. Good God, what would have become of us, if Great Britain and her allies should prove victorious! I am free—Heaven be thanked!—from the rage against the English nation, which possesses so many Frenchmen, and cannot be justified by the still fiercer rage of some Englishmen against the French. The English are a gallant and great nation; I wish they might be sincerely allied with France—

* * * * *

Page 531. "Hotham"—"Hotam."

Page 532. The starred passage reads "mais croire que le ministère Anglais a jamais eu en vue de rétablir l'ordre en France, ou même de travailler au rétablissement de la monarchie, c'est donner dans une stupide erreur; il a voulu la ruine de la France, et voilà toutes ses vues. L'argent anglais a provoqué tous nos premiers malheurs; l'Angleterre eût pu arrêter le commencement de la guerre du continent; elle eût pu sauver les jours du roi; son ministère n'en a rien fait; il a vu son intérêt dans le supplice de ce prince; il a voulu se venger de l'Amérique perdue, jeter (sic) le trouble en France, l'y entretenir, y rendre les crimes plus nombreux, afin de réunir contre elle plus d'ennemis, enfin la démembrer. Cette politique est aussi mal calculée, aussi peu prévoyante, aussi dangereuse pour la tranquillité même de l'Angleterre, qu'elle est immorale et cruelle. M. Pitt a protégé les Français auxquels il a cru le plus de dispositions à se prêter à ses vues de conquête; c'est à ce titre qu'il les a secourus, soudoyés, enrégimentés, et en cela il s'est encore trompé; car j'ai peine à croire que malgré la passion de l'esprit de parti, beaucoup de Français se fussent prêts à enrichir l'Angleterre des dépouilles de la France. On verra ce qu'il fera d'eux à la paix; ces instrumens de l'ambition, de la vengeance et de l'ineptie du ministère anglais seront brisés dès qu'ils seront inutiles. En attendant, il les fait tuer à Quiberon, il y fait égorger les officiers de notre précieux corps de la marine, de peur que la marine française ne se rétablisse; il abuse de l'honneur égaré de ces braves gens pour les envoyer

Oswego is one of the posts, which Great Britain has hitherto retained, in open violation of the treaty of peace, though she will be obliged to deliver it up to the United States, in the course of next year. It is a miserable fort, which, in the year 1782, was built at a considerable expense by General HALDIMAN, at [533] that time Governor of Canada. The river Oswego, at the mouth of which the fort is seated, is at present almost the only course for American vessels to Lake Ontario. The fort is in a ruinous state; one single bastion, out of five, which form the whole of the fortifications, is kept in better repair than the rest, and might serve as a citadel, to defend for some time the other works, indefensible by any other means. The present garrison consists of two officers and thirty men, under whose protection a custom-house officer searches all the vessels, which sail up or down the river. It is not lawful to import any other article from the United States into Canada, but grain, flour, cattle, and provision, and no commodities are suffered to be exported to the United States, without express permission from the Governor of Upper Canada; nay, this prohibition extends even to persons, who, if they intended to proceed to that country without such permission, would be imprisoned. As to the prohibited exports in merchandize, they are confiscated, without excep-

à une boucherie certaine, sans espoir de succès, sans plan concerté, sans moyens. Ceux-là ont-ils tant de tort qui croient qu'il y avait complicité entre Robespierre et le cabinet de *Saint James*," i.e., "but to believe that the English Ministry ever had it in view to re-establish order in France, or even to endeavour to restore the monarchy, is to fall into a foolish error; it desired the ruin of France—that was its whole design. English money provoked all our first misfortunes. England might have arrested the outbreak of the continental war, she might have saved the life of the king—the English Ministry did not; it saw its interest advanced by the sufferings of that prince, it wished to be avenged for the loss of America, to inject disturbance into France, to foment it, to render the crimes more numerous, so that more enemies might be united against her—in fine, to dismember her. That policy is as ill-conceived, as little farseeing, as dangerous to the tranquillity of England herself as it is immoral and cruel. Mr. Pitt has protected Frenchmen in whom he believed he found inclination to lend themselves to his schemes of conquest—it is for that reason he has helped them, paid them, enrolled them as soldiers—and in that he is still under a deception; for, notwithstanding the passion of party spirit, I can hardly believe that many Frenchmen could lend themselves to enriching England with the spoils of France. It will be seen what he will do for them on the return of peace; these instruments of the ambition, the revenge and the folly of the English Ministry will be thrown aside—broken tools—as soon as they are useless. In the meantime, it had them slain at Quiberon; it had our precious marine corps slaughtered at that place for fear the French navy might be re-established; it took advantage of the reckless courage of these brave men to send them to certain butchery without hope of success, without concerted plan, without supplies. Are those, then, so far wrong who believe that there was a conspiracy between Robespierre and the Court of St. James?"

"Haldiman"—"Haldimann"; generally written "Haldimand."

Page 533. "No commodities"—"provision," "what will serve for food," "without exception" add "à moins qu'elles ne soient accompagnées d'un passe-port special," i.e., "unless they are accompanied by a special permit."

tion, for the benefit of the customhouse-officer, by whom they are seized. This naturally prompts his zeal, and increases his attention; but there are so many points along the coast, where the contraband trade can be carried on, that it will hardly be attempted in this place, where [534] the Americans are sure to encounter so many difficulties and obstructions. Yet some vessels, now and then, slip out, under favour of the night. Two or three, which failed in the attempt, were last year taken and condemned. The large income of the receiver of customs, placed here three years ago, has hitherto been confined to these perquisites. Americans, who from an ignorance of the severity and latitude with which English prohibitions are enforced, have a larger quantity of provision on board, than the rigour of the English law permits, frequently see the surplus confiscated to the augmentation of the customs, which, if extracted by less delicate hands than those of the present receiver, might be carried to a much larger amount.

This officer is called Intendant-general: a fine title, which ornaments a station, that, in fact, knows no superiors, but has also no inferiors, excepting a director, who resides at Niagara. The Intendant-general has not even a secretary. His pay is ten shillings a day, and a ration, which he estimated at two. He receives his pay all the year round, though the navigation of the lake is entirely interrupted for five months, and he himself is seven months absent from Oswego. Decorated with such a title, and furnished with such an income, he will hardly be supposed to transact [535] himself the trifling business of his place. This is entrusted to a non-commissioned officer, who makes his report. This is signed by the Intendant-general, who, in case of absence from the fort, leaves blanks signed on his table. This *permit*, which authorizes all vessels bound for Canada, to proceed thither, must also be signed by the commanding officer, for which every vessel pays three-fourths of a dollar. For sailing up the lake a verbal *permit* is given *gratis*.

The present Intendant-general is an interesting young man, of the name of Mac-Donald, who, in addition to his talents and abilities, possesses all the peculiar merits, for which his family has long been distinguished in Canada. They came from Scotland, and settled here about twenty years ago. Mr. Mac-Donald served as an officer in the American war. He is now on half-pay; his brothers hold commissions in a Canadian regiment, lately raised, and one of them is Speaker of the house of representatives of Upper Canada.

A man of Mr. Mac-Donald's extraction, in France, would injure his character, in the public opinion by accepting a place in the customs. In England they know better. There, no injurious idea attaches to any profession, which concurs in the execution of the laws; and no blame attaches to a nobleman for holding a place in the com-

Page 534. "Last year"—"il y a deux ans," i.e., "two years ago."

Page 535. "Mac-Donald"—"Mac-Donnall" (several times). "nobleman"—"le gentlemen," a misprint for "le gentleman."

[536] mission of the customs, or turning merchant. He is, on the contrary, respected as much as if he belonged to the church, the army, or the navy, or were placed in any other honourable situation. Yet, if public opinion were altogether founded on just and reasonable principles, it should stigmatize all persons, who hold sinecures without any useful employment, and press consequently as dead burthens on the state. This, however, is not the case in England.

The number of vessels which ascend and descend the Oswego during the seven months, the navigation is open, amounts to about thirty a month. By Mr. Mac-Donald's account by far the greater number of them contain new settlers to Upper Canada, at which I am not astonished, it being a certain fact, that the emigration from the United States to Canada is far more considerable, than from the latter to the former country.

Fort Oswego is the only settlement on the banks of the lake between Kingston and Niagara, excepting Great Sodus, where Captain Williamson forms one, and which bids fair, as has already been observed, to become very prosperous; it is thirty miles distant from the fort. Twelve miles behind Oswego, stands, on the river, the first American settlement. This fort must therefore [537] shift for itself. The officers hunt, read, and drink; and the privates do duty, are displeased with their situation and desert. For this reason the oldest soldiers are selected for the garrison of Oswego; and yet, though less open to temptation, they desert to the United States. This fort, which lies too remote for any communication with foreign countries, is for five months together completely cut off from the rest of the world; the snow lying then so deep, that it is impossible to go abroad but in snow-shoes. A surgeon, who has seven shillings and sixpence a day, augments the company in Oswego. The gentleman, who fills this place at present, contributes much to heighten the pleasure of the society, by submitting to be the general butt of raileries and jests.

The nearest Indian habitations are forty miles distant from Oswego; and yet there is an Indian interpreter appointed at this fort, who has three shillings and sixpence a day and a ration. He was employed during the last war. In other places his appointment might carry at least some appearance of utility; but here he is paid without having any employment. The commanding officer has five shillings a day in addition to the pay he enjoys by virtue of his commission; he keeps oxen, cows, sheep, fowls, etc., which, as a [538] permanent stock one commanding officer leaves to his successor at a settled price.

The gardens are numerous, and beautiful, in the vicinity of the fort; the lake as well as the river abounds with fish; the chace pro-

Page 536. "Great Sodus"—"le grand Sodus."

Page 537. "Are displeased with their situation"—"s'ennuie," i.e., "are bored"; "to the United States" is an interpolation.

cures plenty of game. The officers, therefore, live well in this wilderness, which they call Botany Bay, and yet wish to wrest from the Americans. We experienced from all of them a very kind reception.

The land in the neighbourhood of Oswego is very indifferent; the trees are of a middling growth, and the wood-lands have a poor appearance.

As fate would not permit me to see Lower Canada, I shall here throw together some particulars, I had collected respecting that country. I counted on certifying and arranging them on the spot; and although I have not been able to do this, yet they shall not be lost, either to myself or my friends.

The people of Canada possess the French national character; they are active, brave, and industrious; they undergo the severest toils, endure hardships with fortitude, and console and comfort themselves with smoking, laughing, and singing; they are pleased with every thing, and [539] checked and dispirited by nothing, neither by the length, or excessive fatigue of a journey, nor by the bad quality of their food, if their spirits be kept up by pleasantries and jests. They are employed in all voyages. At the beginning of spring they are called together from the different districts of both provinces, either for the King's service, or that of trade. The people, employed in this manner, reside about Montreal, and some miles lower down, as far as Quebec. Several of them live in Montreal, where they carry on a trade, which occupies them in winter. Their own inclination and taste invite them to this active and roving mode of life. Some of them are farmers, who leave the housing of the harvest to their wives and neighbours; others are artizans, who shut up their shops and depart. We met some of them, who were tanners, saddlers, butchers, joiners, &c., and who by all accounts were very good workmen. They leave their country for a summer, for one year or more, according to the work, which they are called to perform; and sometimes only for a short voyage. In the King's service they are employed in working the ships from Montreal, or rather China, which is three miles nearer, up to Kingston. This passage, which is rendered extremely troublesome by the numerous *rapids* in the river [540] takes up nine days, more or less, the back passage only three days, and the lading and unlading at least one. For this voyage they receive two Louis d'ors and are found in victuals; if not employed in actual service, they receive no pay. They now begin to serve as sailors on board the shipping on the lake. Commodore Bouchette is much pleased with them. Their wages amount to nine dollars a month both on board the King's ships, and in merchantmen, engaged in the fur-trade.

Page 538. "Certifying"—"vérifier," i.e., "verifying."

Page 539. "From the different districts"—"des deux differens points," i.e., "from the two different points." "China"—"la Chine," i.e., "Lachine." "Which is three miles nearer"—"qui est à trois lieues plus près," i.e., "which is three leagues closer."

Page 540. "Nine dollars"—"huit dollars," i.e., "eight dollars."

Mr. Mackenzie was attended by several of them on his travels to the South Sea; he brings them back with him from a journey, which, it was supposed, would extend as far as the former, but which he intends to terminate at the last factory. By the account of the English themselves, who do not like them, they are the best rowers, extremely dexterous in extricating themselves from difficulties, inured to labour, and very sober, though at times they are apt to drink rum rather too freely. In this case their gaiety grows noisy, while the English in a similar situation frequently grow sad and melancholy.

There exist few people among whom crimes are less frequent, than among the Canadians; murders are never committed, and thefts very seldom; yet the people in general are ignorant [541.] But this defect is to be imputed less to the people, than the government, whose system is to cherish and preserve this ignorance. No colleges have yet been established in Canada; and the schools are very few in number. Hence it is that the education even of the richest Canadians is much neglected; but few of them write with any tolerable correctness of spelling, and a still smaller number possess any knowledge, though some of them hold seats in the Legislative Council of the province. I must, however, mention, that I have received this information from Englishmen, whose accounts of the Canadians deserve but little credit, from the most prominent feature of their national character consisting in a warm attachment to France, which on every occasion they display more or less, according to the class of society, to which they belong, and to the extent of their wishes and expectations, relative to the British Government.

I have already observed, that all the families in Canada have retained the French manners and customs; that but very few Canadians, perhaps not one in a hundred, understand the English tongue; that they will not learn it, and that none of those, who understand that language, will talk it, except those, who from the nature of [542] their employment have a constant intercourse with the military.

The British government has, since the conquest, from a silly affectation, changed the names of the towns, islands, rivers, nay of the smallest creeks. But the Canadians make no use of these new appellations, but either from affectation or habit retain the ancient French names.

Many members of the Assembly, as well as of the Legislative Council of Lower Canada, are French inhabitants of Canada; the debates are carried on there in the French and English languages; the speech of the French member is immediately translated into English, and of the English into French.

The inveterate hatred of the English against the French, which is at once so ridiculous, so absurd, and so humiliating for the people, insomuch as it proves them to be mere tools of the ambition of their ministry—this hatred, which the lights, diffused through both countries, and the frequent intercourse between the two nations, had nearly destroyed in Europe, before the French revolution broke out, has not abated here in the same degree. No Canadian has just grounds of complaint against the British government; the inhabitants of Canada acknowledge unanimously [543] that they are better treated than under the ancient French government; but they love the French, forget them not, long after them, hope for their arrival, will always love them, and betray these feelings too frequently and in too frank a manner, not to incur the displeasure of the English, who even in Europe have not made an equal progress with us in discarding the absurd prejudices of one people against another.

When Lord Dorchester, at the appearance of a war with the United States, tried last year to embody the militia in Canada, he met everywhere with remonstrances against this measure. A great number of Canadians refused to enlist at all; others declared openly, "that if they were to act against the Americans, they would certainly march in defence of their country, but that against the French they should not march, because they would not fight against their brethren." These declarations and professions, communicated to me by English officers, and of consequence unquestionably true, were not the effects of Jacobin intrigues; for, it is asserted, that at that very period the emissaries of the Convention complained of the character of the Canadians being averse to an insurrection; but they are the natural results of their attachment to France, which neither time, nor the mildness of the English [544] administration has hitherto been able to extirpate. The notions of liberty and independence are, from their political situation, foreign to their minds. They pay no taxes, live well, at an easy rate, and in plenty; within the compass of their comprehension they cannot wish for any other good. They are so little acquainted with the principles of liberty, that it has cost a great deal of trouble to establish juries in their country; they oppose the introduction of the trial by juries, and in civil causes these are not yet in use. But they love France; this beloved country engages still their affection. In their estimation a Frenchman is a being far superior to an Englishman. The French are the first nation on earth; because, attacked by all Europe, they have repulsed and defeated all Europe. The Canadians consider themselves as Frenchmen; they call themselves so; France is their native land. These senti-

Page 542. "of the English against the French"—"*des Anglais et des Français*," i.e., "of the English and French for each other." "the people"—"*les peuples*," i.e., "both peoples." "ministry"—"*ministères*," i.e., "ministries."

Page 544. After "Englishman" read "*qui est son ennemi*," i.e., "who is their enemy." "Native land"—"*patrie*."

ments and feelings cannot but be highly valued by a Frenchman, who must love and respect the good people of Canada. But, it will be easily conceived, that they displease the English, who frequently display their ill-humour, especially the spirited and impatient British officers, by despising and abusing the Canadians. "The French," they say, "beat them, starved them, and put them into irons; they should therefore be treated [545] by us in the same manner." Such are the opinions on this amiable and liberal-minded people, which you hear delivered during an English repast; several times have I heard them with indignation. People of more prudence and reserve, it is true, do not profess these sentiments in the same rash and public manner; but they entertain them, and the people of Canada know full well, that such are, in regard to them, the sentiments of the generality of the Englishmen.

Lower Canada, which pays no more taxes than Upper Canada, has of late been obliged to raise a yearly contribution of five thousand pounds sterling, to meet the public expense for the administration of justice, legislature, and other *items* in this province. This contribution or impost is laid on wine, brandy, and other articles of luxury; it is raised as an excise, and consequently is an indirect tax, but little burthensome from its amount, as well as from the mode in which it is raised; and yet it has excited much discontent and displeasure against the representatives, who sanctioned it by their consent.

This is an outline of the sentiments, which prevail among the people of Canada, and which I should have more closely examined, had I been permitted to visit Lower Canada. I have been assured that Lord Dorchester, in consequence of [546] the refusal of the Canadians, to be embodied in regiments, desired last year to return to England. Whether this be the true motive of his desire to resign, which is a certain fact, I know not. His displeasure may also, perhaps, have been excited by the marked disapprobation of the English ministry, respecting his address to the Indian nation. However this may be, his resignation has not been accepted. Lord Dorchester, from his constant good and kind demeanour to the Canadians, imagined he was beloved by that nation; his administration has throughout been marked with mildness and justice; he has supported the new constitution; he loves the Canadians, but his self-love as well as patriotism and national pride have been much humbled by the sentiments, displayed last year by the people of Canada.

I have already mentioned a conversation, in the course of which several officers delivered it as their opinion, that it would be for the interest of Great Britain to give up Canada. This is the general opinion of all Englishmen, who reside in this country, excepting such as on account of their stations and emoluments hold a different language. They, who share in the government and administration of Canada, the English merchants and families, who have long resided here, are far from

Page 545. After "to visit Lower Canada" add "Quant à leur vérité, je n'en ai et n'en puis avoir aucun doute," i.e., "as to their truth, I have and can have no doubt."

possessing these principles, from a conviction [547] that in the process of time Great Britain will reap considerable benefits from the possession of Canada. These are not the ideas which I entertain on this subject, considering either the extent or the nature and complexion of the English administration and government in this part of the globe. I conceive that the enormous expence, incurred by Great Britain, is absolutely unnecessary, and that the state of independence, in which she endeavours to keep Canada, does not afford the greatest and most permanent advantage she might derive from that country.

What would be said of a ministry, which would attempt to convince England, that the proceeds of her trade and extensive navigation to Canada fall much short of her yearly expence to maintain herself in the possession of that colony, and propose to the British cabinet, to declare it independent, to assist it with subsidies the first years, and immediately to conclude with the Canadian government a treaty of amity and commerce? Such a ministry would undoubtedly be considered as a set of rank Jacobins. And yet it is highly probable, that Great Britain, while on the one hand she saved a considerable expenditure, would on the other lose none of her commercial advantages, form a permanent and extensive connection with Canada; and would spare herself [548] the humiliation of another colony being dismembered from the British empire. But such a resolution should be embraced without any secret views, and hidden projects, loyally and frankly; so that Canada, enjoying all the blessings of liberty and prosperity, might have no just grounds for any sinister apprehensions. However absurd this language may appear, it is perhaps precisely that, which all European powers should, at this time, hold to their continental colonies; nay, with some modification, I think it should even be addressed to the West-Indian Islands. But away with political speculations!

The Roman Catholic priests in Upper Canada are of the same cast as our former country curates; their whole stock of knowledge being confined to reading and writing, they are of course unenlightened and superstitious. The French revolution has brought thither some of a superior character, who are probably less indolent and more tolerant than the former. I am unacquainted with them, but the British officers are so astonished at seeing French priests possessed of some sense and knowledge, that, in their opinion, they are *very clever*.

The only branch of commerce belonging to Canada is the fur trade; with the whole extent and annual amount of which I had some hopes

Page 547. "Independence"—"*dépendence*," i.e., "dependence." (Smith has made the correction by scoring out the prefix "in"). "ministry"—"*ministre*," i.e., "minister." "To the British cabinet" is an interpolation. "Canadian government"—"*le*," i.e., "it" "Such a ministry . . . rank Jacobins"—"*on le traiterait de Jacobin*," i.e., "he would be considered a Jacobin."

Page 548. "So that Canada . . . sinister apprehensions"—an interpolation. "West Indian Islands"—"*les Antilles*," i.e., "the Antilles." "Upper Canada"—"*Canada*," i.e., Lower Canada. "*Very clever*"—"(*very clevers*) *très-éclairés*."

of [549] getting acquainted during my intended residence at Montreal. I know from Governor Simcoe, that it is far more insignificant, than is generally believed, and that a considerable contraband trade in this article is already carried on in the United States, the chief agents of which are Canadian merchants. I know also, that this contraband trade, which they encourage on the river St. Lawrence, may likewise be carried on, without their assistance, with the United States, on Lake Erie, as well as on several points of the banks of Lake Ontario; and that the surrender of this fort to the United States, and the subsequent American settlements on the frontiers, will render it altogether impossible, to prevent this contraband trade. Besides, it is well known, that the Canadian merchants, who send the peltry to England, are the absolute masters of this trade in this country, and that a monopoly, which raises the price of commodities to an exorbitant height, is the most powerful incitement to smuggling.

All the ships, in which the trade between Canada and Europe is carried on, are English bottoms; none of them belong to merchants of the country. These possess but a few vessels, which are built at Quebec, and employed in the inland trade. In no parts of British America are any ships built, but such as navigate the lakes; even [550] at Halifax, ships are not built, but merely caulked and refitted. No ships but English bottoms are suffered to sail from Canada for Europe; whence it is, that, if this navigation be intercepted or protracted, the utmost scarcity of European provision prevails in that country. This year, for instance, all the magazines and warehouses in Canada were empty, on account of the ships, which generally arrive about the 15th of May, not having yet come in on the 20th of July. Since the 1st of July, not a bottle of wine, or a yard of cloth, could be procured for money, either in Quebec or Montreal. The officers, who came from these towns, and had not been able to supply their wants, complained of the absolute impossibility of procuring any necessary article in Canada; and, I understand, the discontent, which prevails on this subject, is not confined to the military.

It is agreed, on all hands, that the Canadians are indifferent husbandmen, that agriculture is imperfectly understood in this colony, and that, in this respect, the English have not transplanted hither either their own agricultural improvements, or any branch of European skill. The land is good, upon the whole; the best, which is in the island of Montreal, is worth from twenty to twenty-four dollars an acre. From the circumstance, [551] which is certain, the wealth of the country may be partly estimated.

Page 549. "this fort"—"des forts," i.e., "forts." "this trade"—"du commerce," i.e., "trade." "employed in the inland trade"—"encore sont-ils peu employés au commerce d'Europe," i.e., "they are so far little employed in trade with Europe."

Page 550. "The officers," add "du soixantième régiment," i.e., "of the 60th regiment." "Branch of" is an interpolation. "Halifax"—"Hallifax," as always.

The severe frost, which in winter generally prevails in Quebec, causes the mortar to crack, and every year occasions expensive repairs at the citadel, which never last long. The other strong places in British America are constructed of wood, which is never seasoned, but used as soon as felled, and consequently decays very soon. In the whole fort of Oswego, which was built about eleven years ago, there is not one sound piece of timber to be found; and for the same reason the citadel of Halifax, which was constructed only seven years ago, is now rebuilding from the ground. This is all the information, which I have been able to collect, and which, however imperfect it be, may yet serve as a guide to other travellers in their pursuits of useful knowledge.

The northern borders of the bason, which holds the waters of the Niagara, just above the falls, consist of a fat and strong reddish earth, lying on a ground of lime-stone.

The rocks, between which the stupendous cataract of Niagara rushes down, are also lime-stone, as are numerous fragments of rocks, which appear within the chasm, and have undoubtedly been swept away by the tremendous torrent. At the bottom of the bason you see also large masses [552] of white stone, of a fine grain, which the inhabitants assert to be the petrified foam of the fall, but which, in fact, appears to consist of vitriolated lime. It does not effervesce with acids. I have tried no other experiments.

The ground between the falls and Queen's Town is a level tract, some hundred feet elevated above the plain, which joins Lake Ontario, and in which the town of Newark, and the fort of Niagara are situated.

This whole tract seems to consist of lime and free stone, which contain petrifications of sea animals.

Over the plain near Newark are scattered large masses of a reddish granite, which lie insulated on the lime-stone, like the large blocks of granite, which you see on Mount Saleve, near Geneva; so that it is impossible to account for this origin.

In the environs of Toronto, or York, the soil is in some places sandy, in others light clay; no rocks are here to be found.

In Kingston, or Kadarague, on the north-easterly extremity of Lake Ontario, you find again the argillaceous fine grained lime-stone, of a dark grey colour. Here, as nearly all along the borders of the lake, are found different sorts of flints, schist, quartz, and granite.

You also find at Kingston, at no great distance [553] from the shore, a large black conglomeration, which has the appearance of basalt, and great quantities of free-stone, with petrifications of sea animals.

Page 552. "Vitriolated lime"—"sulfat de chaux," i.e., "calcium sulphate." "Queen's Town"—"Queenstown."

After "experiments," add "with it." "Some hundred"—"quelques cents," i.e., "several hundred." "Insulated"—"isolées," i.e., "isolated." "Kadarague"—"Kataragui."

Page 553. "large black conglomeration"—"de grosses pierres noire, roulées" "large black stones, rounded" (i.e., boulders). "petrifications"—"des impressions."

The trees and plants, I have met with in Upper Canada, are nearly the same, which I observed in the northern district of Genessee. Yet I found the buck-eye, called by the Canadians *bois chicot*, the five-leaved ivy, which I have seen branched thirty feet high around an oak tree, the red cedar, the small Canadian cherry (*ragou minier*), and black or sweet birch. I have seen neither a papaw nor a cucumber tree. The ginseng root, which is pretty common in the territory of the United States, abounds in Canada, but forms here not so considerable an article of trade, as in the former country. The Canadians use an infusion of this root as a cure for pains in the stomach, especially if they proceed from debility; for colds, and, in short, in all cases where perspiration may be required. They also make use of the leaves of maidenhair*, which is found in great abundance in the vicinity of Kingston, instead of tea.

[554.] Mr. Guillemard having communicated to me the journal of his tour to Lower Canada, I shall extract from it such particulars, as appear most proper to fill up the deficiencies of the information, which I have myself been able to collect. This journal confirms, upon the whole, the general observations, which I made on that country. Although the intelligence, gathered by Mr. Guillemard, be not altogether as minute as I could have wished, yet from the correctness of his judgment, and his character for veracity, the truth of his remarks cannot be questioned.

The passage from Kingston to Quebec is made as far as China, in Canadian vessels of about ten or fifteen tons' burthen. The navigation from China to Montreal being intercepted by the falls of St. Louis, this part must be travelled by land. Ships of any burthen may sail from Montreal to Quebec.

The rapids are of various descriptions. They are either whirlpools, occasioned by rocks, against which the water strikes in its course, or strong declinations of the bed of the river, the rapid motion of which is checked by few or no obstructions. Carried by rapids of this nature, ships may advance sixteen miles in an hour. Those of the former description are the most [555] dangerous, though misfortunes but seldom occur. They are most frequent on the cedar passage.

**Adiantum capillus veneris*, Linn. a plant, from which the once celebrated "*syrop de capillaire*" took its name, which P. Formius, a physician of Montpellier, recommended as an universal medicine, in his treatise "*De Adiantho*," published 1634.—*Translator*.

Page 553. "Buck-eye"—"*bonduc*." "Five-leaved ivy"—"*ecoomanthus* ou *bourreau des arbres*." "*Ragou minier*"—"ragoumimex." "Papaw"—"*frangier*." "Cucumber tree"—"*magnolia*." "Maiden hair"—"*capillaire*." (See additional notes.)

Page 554. "China"—"*la Chine*," i.e., "*Lachine*."

Page 555. "misfortunes"—"*accidens*," i.e., "*accidents*." "The cedar passage"—"*le passage des cèdres*," i.e., "*the Cedars*."

From Montreal to Quebec the river flows with great velocity, but without any rapids. In Lake St. Peter* ships must keep within a natural canal, from twenty to fifteen feet in depth; in other places the lake is only from four to six feet deep. It is under contemplation to make a canal from China to Montreal, by which the interruption of the water conveyance from China to Montreal will be removed.

There are few or no settlements between Kingston and St. John's, the chief place of the lower district of Upper Canada, about midway between Kingston and Montreal†. Between this place and Montreal they are rather more numerous, yet still few in number.

The right banks, belonging to England, are more thinly inhabited than the left. The few habitations you here meet with lie, almost all of [556] them, contiguous to the river. Between Montreal and Quebec they stand more closely together. Even the inland parts are inhabited within three or four miles of the shore; and so are almost all the borders of the rivers and brooks which fall into the stream. To judge from the habitations and the mode of cultivation, these settlements are the worst of any you meet with in the United States; on the right side of the river the plantations do not extend to so great a distance into the interior of the country.

The soil is generally good, especially in the islands. It bears a variety of fine trees and excellent grass. The land in the island of Montreal is esteemed the best; while in other inhabited parts the price of the land is at most five dollars per acre, it costs in the island of Montreal from twenty to twenty-five. There are estates in the vicinity of Quebec either somewhat better cultivated than the rest, or furnished with a good dwelling-house and out-buildings, the lands belonging to which bear a still higher price. Upon the whole there is but little land sold, either from the poverty of the inhabitants, or the difficulties attending a sale, for reasons which I shall detail in another place.

Agriculture is as bad in Lower Canada as it possibly can be. In the vicinity of Quebec and [557] Montreal no manure is known

*This lake is a part of St. Lawrence river. Its centre is sixty-eight miles above Quebec, and two hundred and five north-east of Kingston, at the mouth of Lake Ontario,—*Translator*.

†St. John's belongs not to the lower district of Upper Canada, but to Lower Canada. By an ordinance of the 7th of July, 1796, it has been established as the sole port of entry and clearance for all goods imported from the interior of the United States into Canada.—*Translator*.

Page 555. "twenty"—"12."

"St. John's"—"Johnstown." The translator has confused Johnstown (Cornwall) in Upper Canada and St. John's in Lower Canada. "The right banks belonging . . ."—"Le côté droit qui appartient aussi à l'Angleterre . . ." i.e., "the right bank also belonging, etc."

Page 556. "the worst . . . United States"—"de l'espece des plus mauvais dans les pays nouveau des États-unis," "like the worst in the new settlements of the United States."

but stable dung, and even this the farmers used not long ago to throw into the river. What is here called cultivated land is, even on the banks of the river, neither more nor less than ground merely cleared in tracts of about forty or fifty acres, and enclosed with rough fences. In the midst of these tracts are small plots of cultivated ground sown with wheat, Indian corn, rye, pease, and clover; they very seldom take up the whole space enclosed. The farmers are a frugal set of people, but ignorant and lazy. In order to succeed in enlarging and improving agriculture in this province, the English government must proceed with great prudence and perseverance. For, in addition to the unhappy prejudices which the inhabitants of Canada entertain in common with the farmers of all other countries, they also foster a strong mistrust against every thing which they receive from the English; and this mistrust is grounded on the idea, that the English are their conquerors, and the French their brethren.

There are some exceptions from this bad agricultural system, but they are few. The best cultivators are always landholders arrived from England. Mr. Touzy, an English clergyman in Quebec, who arrived very lately from Suffolk, in England, is now occupied in clearing and cultivating [558] in the English manner from seven to eight thousand acres, which he holds from government, or at least a part of this grant. Should he be gifted with sufficient perseverance to succeed, he cannot fail to become extremely useful to this part of the globe. In the mean while, it is a matter of general astonishment in Quebec, that he should form any such establishments at so great a distance from the town, and yet this distance exceeds not fifteen miles.

On the road from Montreal to Quebec the dwelling-houses are some of them built with small stones, and others with wood plastered over with lime, which abounds in the country; the inside of such of these buildings, as are inhabited by Canadians, is miserable and filthy. In most of them, which stand along the road, and where of consequence the death of the King of France is known, you find his portrait, the print which represents him taking leave of his family, his execution, and his last will. All these prints are something venerable to the Canadians, without impairing their attachment to the French.

Montreal and Quebec resemble two provincial towns in France; the former stands in a pleasant and delightful situation; the latter is seated half on the bank of the river and half on the adjoining rock. The lower

Pages 556 and 557. The sentences beginning "In the vicinity, etc.," read "On n'emploie de fumier que dans les environs de Québec et de Montreal, encore n'est ce que le fumier d'écurie qu'il n'y a pas long-tems les fermiers jetaient dans la rivière pour s'en débarrasser," i.e., "Only in the vicinity of Quebec and Montreal is manure used—and that but stable manure which until recently the farmers threw into the river to get rid of it."

Page 557. "Unhappy"—is an interpolation. "Touzy"—"Fouzé."

Page 558. "plastered over with lime"—"blanchies extérieurement avec de la chaux," i.e., "whitewashed." "and where of consequence"—"et où," i.e., "and where."

part of the town is inhabited [559] by the merchant's and trade's-people, and the upper part by the military. From its position, encircled as it is with the mountains, and from the works constructed to encrease its actual strength, Quebec belong to the fortresses of the second or third rank.

The military, it seems, enjoy in this city, on account of the presence of the Governor-general, and of the great number of officers and other persons attached to the army, the same distinction in society, which the merchants possess at Montreal.

The Canadian gentry, who reside in towns, are much poorer than the English, invited hither either by considerable pay, attached to their places, or some other valuable income. They live in general by themselves; and as they spend less than the English, the latter are apt to call them avaricious and proud; and the former fail not to return the compliment in a different manner. The English merchants are rich and hospitable.

In point of furniture, meals, &c., the English fashions and manners prevail, even in some of the most opulent Canadian families connected with administration. In other Canadian families of distinction the French customs have been preserved.

The export and import trade of Canada employs [560] about thirty vessels, and is merely carried on with and through England. From an extract of the custom-house books for 1786, procured by Mr. Guillemard, the exports in that year appear to have amounted to three hundred and twenty-five thousand one hundred and sixteen pounds, Halifax currency, and the imports to two hundred and forty-three thousand two hundred and sixty-two. Since that year not only large quantities of corn have been exported, but the trade has, upon the whole, been considerably encreased by the great agricultural improvements made in both provinces, but especially in Upper Canada.

The whole amount of a common harvest in Lower Canada is estimated at four thousand bushels, three fourths of which are consumed in the country. The principal *depôt* of the peltry trade is in Montreal.

I shall at the end of this article subjoin some satisfactory information respecting this trade, extracted from a journal, the veracity of which is unquestionable.

The navigation of the River St. Lawrence is shut up by frost seven months of the year.

An iron-work on the *Trois Rivières*, and a distillery near Quebec, are the only manufactories in Canada, and both in a very low state. The

Page 559. "gentry"—"gentlemen." "rich and hospitable" "riches et qu'ils appellent hospitaliers" "rich and what they call hospitable" (a nice distinction).

Page 560. "merely"—"seulement," "solely." "satisfactory"—"certains." "harvest," add "en bled," i.e., "of grain." "on the *Trois Rivières*" "aux *Trois Rivières*," i.e., "at Three Rivers." "in a very low state"—"sur une très-petite échelle," i.e., "on a very small scale."

[561] iron-work cannot even supply Lower Canada with the necessary articles; it belongs to merchants of Quebec and Montreal, who make no use of the machinery employed in England in manufactories of that description. The iron-ore is found in the neighboring rivers, and also in grains on the surface of the soil. It is very rich, and known by the name of St. Maurice ore. The work employs twenty workmen, all of them Canadians; they forge the iron into bars, manufacture tools for artisans, utensils, pots, &c., and earn three-quarters of a dollar a day, but are not boarded by the owners of the work.

In the distillery whisky and geneva are distilled, but very little of either. The number of workmen is very small; their daily wages consist in two shillings in money and board. The Canadians, like the inhabitants of the back country in the United States, manufacture themselves all the clothes they want for their families.

The Roman Catholic religion forms the established church in Lower Canada; the ministers are supported by tythes and gifts, and out of the estates acquired by the clergy. All the churches in the country belong to the Roman Catholic persuasion, and are tolerably well frequented by the people. The clergy of the Episcopal church are paid by the king; as well as the Protestant [562] bishop, who is at the same time bishop of Upper Canada. Divine service is performed by Protestants, in Roman Catholic churches or chapels, at Quebec, Montreal, and *Trois Rivières*. In the country there is no religious worship but according to the rights of the Roman Catholic religion.

A convent of *Urselines* in Quebec, and another in Montreal, and a society of Charitable Sisters, who attend the hospitals and lazarettoes, are the only nunneries of Lower Canada. The revenue of the hospitals consisted in part of annuities, paid by the city of Paris, the payment of which was stopped in pursuance of a decree of the French National Assembly; and this deficiency has not hitherto been made up in any other manner. Two Franciscans only, and one Jesuit, are remaining of the numerous convents of these orders which subsisted here at the time of the conquest of Canada. One of these Franciscans, it is asserted has, in violation of the treaty, taken the vow since that time, and the Jesuit is rather a priest who styles himself a Jesuit, than really a member of that religious community. By virtue of a grant of His Britannic Majesty, all the estates in Canada, which belong to the Jesuits, go to Lord Amherst at the decease of the last member of that community in

Page 561. "very rich" "abondante et assez riche" "abundant and fairly rich." "whisky and geneva"—"du whiskey et un peu d'eau de genièvre," i.e., "whisky and a little gin." "estates acquired by the clergy"—"les biens acquis du clergé."

Page 562. after "Montreal," (where it first occurs on this page) add "Saurel," i.e., "Sorel." "Charitable Sisters"—"Sœurs de la charité," i.e., "Sisters of Charity." "lazarettoes"—"hotels-dieu." "Franciscans"—"récollets."

the province; and rumour [563] says, that the proceeds of these estates, enjoyed by the *soi-disant* monk, which amount to fifteen hundred a year, are the true cause of the enmity which subsists between Lord Amherst and Lord Dorchester.

The seminary in Quebec is kept by a sort of congregation or fraternity, known by the name of the Priests of St. Sulpice, who, prior to the conquest, possessed three such houses, namely, one in Siam, one in Pondicherry, and one in Quebec. Since that time the seminary supports itself by its own means. The estates which it possesses are considerable, at least in point of extent, and contain from fifty to sixty thousand acres; yet, as the seminary possesses not the right to dispose either of the whole or any part of them, and consequently cannot gain any advantage from these estates but by farming them out to tenants, who pay no more than about a bushel and a half of corn for every ninety or a hundred cultivated acres, the proceeds exceed not in the whole five hundred dollars per annum. The mill, which the seminary possesses in the Island of Montreal, is let for somewhat more.

Besides the lectures on theology, which are delivered in the seminary, Latin is also taught, and the scholars are even instructed in reading. This business is confided to young clergymen, who [564] pursue their studies to obtain the order of priesthood, and are excused from certain exercises, without which they would not be qualified to take orders, on account of their being engaged in the instruction of youth. This seminary forms the only resource for Canadian families, who wish to give their children any degree of education, and who may certainly obtain it there for ready money.

Upon the whole the work of education in Lower Canada is greatly neglected. At Sorrel, and *Trois Rivières*, are a few schools, kept by nuns, and in other places men or women instruct children. But the number of schools is, upon the whole, so very small, and the mode of instruction so defective, that a Canadian who can read is a sort of phenomenon. From the major part of these schools being governed by nuns and other women, the number of the latter, who can read, is, contrary to the custom of other countries, much greater in Canada than that of men.

The English government is charged with designedly keeping the people of Canada in ignorance; but were it sincerely desirous of producing an advantageous change in this respect, it would have as great obstacles to surmount on this head as in regard to agricultural improvements.

Page 563. "rumour says . . . Lord Dorchester" "on assure que l'inimitié du Lord Dorchester pour Lord Amherst est la véritable cause de la jouissance laissée au faux moine usurpateur"—"it is stated as a fact that the enmity of Lord Dorchester toward Lord Amherst is the real cause of the usurping monk being permitted to enjoy these estates." "fifteen hundred," add "liv. sterling," i.e., "pounds sterling."

Page 564. "Sorrel"—"Saurel," i.e., "Sorel."

[565.] The feudal rights continued in the same force in Canada as previously to the conquest. The proprietors, or lords of the manor, have alienated or alienate the lands on condition of an annual recognition being paid by the tenants, which amounts to a bushel or a bushel and half of grain.

At every change in respect to the occupiers of land, except in a case of a succession in direct lineage, the lord of the manor levies a fee of two per cent.; and, in case of sale, he not only receives a twelfth of the purchase money, but has also the right of redeeming the estate; he moreover enjoys the exclusive right of building mills, where all the people, who inhabit within the precincts of the manor, are obliged to have their corn ground.

The mills are so few in number, that frequently they are thirty-six miles distant from the farms. The miller's dues amount to a fourteenth, according to law; but the millers are as clever in Lower Canada as elsewhere, and contrive to raise them to a tenth. The bolting is performed by the farmers in their own houses. The mills are numerous in the vicinity of Quebec and Montreal, and belong to the seminary.

On lordships of the manor being sold, a fifth of the purchase-money goes to the crown; [566] these fees and charges, it will be easily conceived, greatly impede the sale of estates.

The administration of justice is exactly the same as in Upper Canada. In this respect Lower Canada is divided into three districts. The penal and commercial laws are the same as in England; but the civil law consists of the customs of Paris, modified by the constitutional act of Canada, and by subsequent acts of the legislative power. Nineteen twentieths of all property, amenable before the courts of justice, belong to merchants. Criminal offences are very seldom committed in Canada.

The five thousand pounds, which last year were voted for the expence of the legislature, &c., are raised by means of an excise on liquors.

The climate in Lower Canada is rather dry, and very cold in winter; the sky is, at all times, beautifully clear and serene. In the months of January and February Reaumur's thermometer stands generally at twenty degrees below the freezing point. In 1790 it fell quite below the scale, and the quicksilver retreated into the ball. In summer some days are excessively hot, and the thermometer stands at twenty-four degrees; this year it mounted to twenty-eight. The heat in summer, it has been observed, becomes more intense [567] and continues

Page 566. "penal . . . laws"—"les lois criminelles," i.e., "the criminal laws." "the constitutional act of Canada"—"l'acte qui a formé la constitution du Canada"—"the Act which framed the constitution of Canada" (of course the Statute of 1791, 31 George III, cap. 31 is meant, not an Act of Canada). After "below the scale," add "qui est à quarante," i.e., "which is 40° below zero." (—58° Fahrenheit).

N.B.—The degrees of temperature are on Reaumur's scale, 24° R = 86° F; 28° R = 95° F; —20° R = —13° F.

longer, and in winter the cold grows more moderate than formerly. The climate is healthy; epidemical diseases are very rare; but, on account of the severe cold, cancerous sores in the face and hands are very frequent. The declination of the magnetic needle in Quebec is twelve degrees to the west.

There exists no incorporated municipality either at Montreal or Quebec. The police of these towns is managed by justices of the peace, who fix the price of provision, and direct every public measure relative to this subject. They also meet once a week for the administration of justice, and decide on petty offences.

As to charitable institutions, they consist in two hospitals, one at Montreal, the other at Quebec, and a lazaretto at the latter place. They are inconsiderable and badly managed, especially in regard to the abilities of the physicians who attend the sick.

Throughout all Canada there is no public library, except in Quebec, and this is small and consists mostly of French books. From the political sentiments of the trustees and directors of this library, it is a matter of astonishment, to find here the works of the French National Assembly. It is supported by voluntary contribution.

No literary society exists in Canada, and not [568] three men are known in the whole country to be engaged in scientific pursuits from love of the sciences. Excepting the Quebec almanack, not a single book is printed in Canada. Meteorological observations are made with peculiar care, but only for his own amusement, by Doctor KNOTT, physician to the army, and a man of extensive knowledge.

Provision is much cheaper in Lower Canada than in the United States; the price of beef is three or four *sous* a pound, mutton six, veal five, and salt pork from eight to twelve *sous*. A turkey costs from eighteen pence to two shillings, a fowl from six to eight *sous*, wheat from six to seven shillings a bushel, oats three, Indian corn from five to seven, salt one dollar a bushel, bread two *sous* a pound, and butter eight *sous* [money of Canada, reckoning the dollar at five shillings.] Day-labourers generally earn in summer two shillings and six-pence a day, women half that money; in winter the wages of the former are one shilling and three-pence a day, and the latter are paid in the same proportion as above. A

Page 567. "The police . . . is managed . . ."—"la police . . . est faite . . .," i.e., "the administration of municipal affairs is in the hands of . . ." "Provision"—"pain," i.e., "bread." "lazaretto"—"hotel-dieu."

Page 568. For "not a single book" read "hardly, etc." (Smith has made a note "North" opposite "Knott.") "Two shillings"—"deux schellings et demi," i.e., "two shillings and sixpence." The passage in parenthesis should follow "Salt, one dollar a bushel"—the French word translated bushel is not the usual "boisseau," but "minot"; the content is practically the same, as the French-Canadian "minot" is 36.34 litres. "Day labourers . . . two shillings and six pence . . ." "deux schellings six sous," i.e., "two shillings and three pence." "Autrefois, le sou etait la cent vingtième partie de ce qui s'appelait ici la piastre française, monnaie qui valait six francs." Clapin "Dictionnaire Canadien—Français, etc., C. O. Beauchemin & Fils, 256 rue Saint-Paul, Montreal." Sub voc "sou," p. 300. "in winter the wages . . . as above" "tout cela en été, l'hiver la

man-servant gets about five dollars a month. The rent for a good convenient house amounts in Quebec to one hundred and thirty dollars, and in Montreal to one hundred and fifty. The price of land has already been stated.

[569.] The markets, both of Montreal and Quebec, are but moderately supplied in comparison with the abundance in the markets of the large towns in the United States.

Mr. Guillemard in his journal assigns to the Canadians the same character, which I have above delineated. The first class, composed of proprietors, and people attached to the British government, detest the French Revolution in every point of view, and seem in this respect even to outdo the English ministry. The second class of Canadians, who form a sort of opposition against the proprietors and gentry, applaud the principles of the French Revolution, but abhor the crimes which it has occasioned, without their attachment to France being in the least impaired by these atrocities. The third, or last class love France and the French nation, without a thought of the French Revolution, of which they scarcely know anything at all.

Lord Dorchester bears the character of a worthy man, possessed of all the vanity of a darling of fortune. His Lady, who is much younger than her husband, and determined not to sacrifice any of the enjoyments which pride can afford, takes peculiar care to keep alive the vanity of her Lord.

* * * * *

[570.] The settlements form, as already mentioned, a large strip of about seven or eight miles in breadth on both banks of the river. The whole unsettled country appertains to the Crown, which is ever ready to make any grants that may be demanded; but the formalities and reservations connected with them, deter many people from making application for land. All the new settlers come from New England.

On both sides of the road which leads from St. John's to Quebec, near Lake St. Peter, and in the vicinity of the towns of Montreal and Quebec, are some Indian villages. One of them is Loretto, five miles from the latter place. The Indians of Loretto have attained, it is as-

moitié moins"—"these are the wages in summer, in winter they are a half less." "Convenient" is an interpolation.

Page 569. "proprieters"—"seigneurs." "darling of fortune"—"parvenu." The starred passage reads "Les prêtres sont en Canada, ce qu'ils sont presque par-tout; intrigans, bas, adorateurs et soutiens du pouvoir arbitraire, parce qu'il peut donner au clergé et étendre son influence et que, comme l'église, il ne permet ni réflexion ni raisonnement." "The priests are the same in Canada as almost everywhere, intriguing, despicable, worshippers and supporters of arbitrary power, because it is able to enrich the clergy and extend its influence, and because like the church it allows neither reflection nor reasoning."

Page 570. "of about seven or eight miles"—"depuis un jusqu'à sept à huit milles," i.e., "from one to seven or eight miles." "All the new settlers" "le petit nombre de nouveaux settlers" "the small number of new settlers." "St. John's"—"Johnstown." "Loretto"—"Laurette."

serted, the last stage of civilization, at least in the point of corruptness of morals and manners. No other Indian village can, in this respect rival Loretto.*

These Indians, who on working-days dress like the Canadians, wear on feasts and Sundays their usual dress. They cultivate their fields in the same manner as the whites, live like them, and speak the same language; they are of the Roman [571] Catholic persuasion, and a curate resides in the village.

The settlements, which carry a more Indian appearance than this village, are farther distant, and not numerous. On descending the River St. Lawrence you meet with a more slaty soil, and in the vicinity of Thousand Islands with a range of rocks of granite. These isles apparently consist of granite of a reddish colour, well crystallized, and the chief component part of which is feldtspar. In Kadanoghqui, between Kingston and Thousand Islands, a species of steatite is found, considerable veins of which are said to be discovered in the neighbourhood. The reddish granite of Thousand Islands is interspersed with more perfect granite of a larger grain, which is very common in countries consisting of this sort of stone, such as the Alps, the Scotch Highlands, and others of less moment, but of the same description.

The rapidity, with which Mr. Guillemard descended the River St. Lawrence, prevented him from examining the species of stone of which its banks are formed. But at Montreal he had sufficient leisure to enquire into the mineralogy of the country. It consists, north of the River St. Lawrence, chiefly of lime-stone; in the south, where the little populous village La Prairie is [572] situated, you find, besides, a sort of chert, nothing very remarkable on this head.

The Island of St. Helena, a little below Montreal, consists of this stone. On the banks of the river large masses of granite, quartz, and pudding-stone are found, which seem disjoined from the beds to which they formerly belonged, and which cannot now be discovered. The soil on the mountains is rich and fertile, and full of quarries of lime-stone. Mines of pit-coal are said to have been discovered in these mountains.

The houses in Montreal are mostly built of lime-stone of a dark colour and very compact structure. It whitens in the fire, and assumes a greyish colour, when exposed to the air and sun.

*Loretto, a small village of Christian Indians of the Huron Tribe, north-west of Quebec, has its name from a chapel built after the model of the Santa Casa at Loretto in Italy, whence an image of the Holy Virgin has been sent to the converts here, resembling that in the famous Italian sanctuary.—*Translator*.

Page 570. "their usual dress"—"leur habit original," i.e., "their national dress."

Page 571. "carry a more Indian appearance" "un peu plus réellement Indiens" "a little more truly Indian." "little populous" is an interpolation.

Page 572. "you find . . . head" "il n'y a guères que des puddings qui ressemblent beaucoup à cette espèce de roc quartz eux, connu en Angleterre sous le nom de chert"—"there are only a few" puddings "which closely resemble that form of quartz rock known in England as chert."

The river Sorrel, after having left the basin by Chamblee, flows along the foot of a broad and high range of mountains, called Beloeil. Between this river and the river St. Lawrence expands a vast plain, on which neither a rock nor stone is to be found. On digging up the ground you find to a considerable depth strata of different sorts of earth, sand, clay, vegetable earth, and in many places another kind of black vegetative earth, which bears a close resemblance to peat.

The summit of the mountain Beloeil consists of granite of a dark grey colour and a strong [573] grain. It contains little mica, but much schoerl. The declivity on both sides of the summit consists of slate of a very compact texture; some pieces resemble basalt in shape and grain.

On descending the Sorrel, you see not a single rock, and the banks of this river, which the English at present call William Henry, consist of a fine micaceous loam.

If you cross St. Peter's Lake on your way to the Trois Rivières, the ground rises in a striking manner in the form of terraces; but no rocks meet your view. The sandy banks of the Trois Rivières bespeak a poor soil, exhausted by cultivation, and deprived of the vegetable earth. Marl of a blueish colour has fortunately been discovered under the sand, which has much contributed to restore the fertility of the ground. This marl is of a fine grain, very compact and light; it lies above the level of the stream below the town of Trois Rivières.

A few miles thence, farther on in the country, are the only iron works in Canada; the ore is found in several places in the neighbourhood. It is bog-ore and said to yield very good iron.

Lime-stone is found as far as Quebec; its farther extent is not known. It is of various forms and qualities; in some places very hard and compact; in others in the state of calcareous spar. [574.] The colour passes, by imperfect shades, from reddish light brown to a dark blue, approaching to black.

South of the river St. Lawrence, near the bason-falls, lime-stone is still found; but the ground consists chiefly of strata of a black, clayey slate, of a fine grain, interspersed with beds of lime-stone. The conglomerations, which form the banks of the river, are of the same nature

Page 572. "Sorrel"—"Sorel." "Chamblee"—"Chambly" "nor stone"—"presqu'aucune pierre," i.e., "hardly a stone." "vegetative"—"végétale," i.e., "vegetable." "strong grain"—"à gros grains," i.e., "with large grains."

Page 573. "Schoerl"—"schorl noir," i.e., "black schorl" (black tourmaline). "slate"—"d'un schiste gris noir, et très-compact," i.e., "schist, black-gray and very compact." "Fine micaceous loam"—"Fric micaceous loam," the first word a misprint. "Above the level of the stream"—"à la surface de la terre," i.e., "on the surface of the earth."

Page 574. "approaching to black"—"et même noir," i.e., "and even black." "bason falls"—"la chute de chaudière," i.e., "the Chaudière Falls." "still found," read "again found." After "lime-stone" (where first occurring on this page) add "Il y a dans ces lits beaucoup d'une matière rouge, tendre, argilleuse," i.e., "In these beds (of limestone) is to be found much of a red, friable, clayey substance."

as the adjoining strata, intermixed with different sorts of schoerl and granite, which must have been washed to this spot from more elevated parts of the country.

The rock, on which stands the citadel of Quebec, is called the Diamond-rock, on account of several of its fissures and cavities containing spars, which by ignorant people are esteemed precious stones. This rock consists chiefly of strata of limestone, which is in general very compact, and a dark-grey colour.

Over the plain lying farther up the country, called Abram's plain, lime-stone and large masses of granite are scattered, which are peculiarly remarkable on account of the great quantity of schoerl they contain. Near the river you find various sorts of pebbles, free-stone, granite, quartz, with some slate and lime-stone.

In Wolfslove the strata of stone consist of a [575] black slate, forming an obtuse angle with the horizon. In the vicinity of Quebec most of these layers have a more perpendicular direction towards the surface of the earth, than in more western countries. The high mountains north-east of Quebec are said to consist of granite. Mr. Guillemard has not seen them; near the falls of Montmorency and somewhat farther up, the strata consist of lime-stone, and their direction runs nearly parallel with the horizon.

Accounts of the Fur-trade, extracted from the journal of Count Andriani, of Milan, who travelled in the interior parts of America in the year 1791.

The most important places for the fur-trade are the following, viz.:—

Niagara, Lake Ontario, Détroit, Lake Erie, Michillimackinac, Lake Huron, yielding 1,200 bundles mixed peltry.

Michipicoton	40	bundles fine peltry.
Pic	30	ditto.
Alampicon	24	ditto.
Near the great carrying-place or portage ..	1400	ditto.
Bottom of the lake	20	ditto.
[576] Point of the lake	20	ditto.
Bay of Guivaranun	15	ditto.

Page 574. "spars"—"des cristaux de quartz," i.e., "quartz-crystals." "Lying farther up the country"—"audessus," i.e., "above." "Abram's plain"—"la plaine d'Abraham." "In Wolfslove"—"A Wolfslove," misprint for "Wolf's Cove."

Page 575. "More Western countries"—"les pays plus à l'ouest," i.e., "the parts further west." "Near the great carrying-place or portage"—"Grand portage." "Bottom of the lake"—"Fond du lac."

Page 576. "Point of the lake"—"La Pointe." "Guivaranum"—"Gulovanan."

The skins of beavers, otters, martens, and wild cats, are called fine peltry.

Mixed peltry are furs, consisting of a mixture of the finer sorts with a larger number of skins of wolves, foxes, buffaloes, deers, bears.

The finest peltry is collected north-west of the lakes in the British dominions; the furs grow coarser in proportion as you approach nearer the lakes.

This fur-trade is carried on by a company, known by the name of the *North-west Company*, and two or three other small companies.

The north-west company, which is generally esteemed a privileged company, has no charter; for the preponderance, which it enjoys in this trade, it is merely indebted to the large capital, which it employs in the trade, to the unanimity of the members, to their unwearied exertion, and to the monopoly, which the company has appropriated to itself in consequence of the above circumstances.

Its formation took place in the year 1782, and originated from the commercial operations of some eminent merchants, who used to carry on the trade in the country, situated beyond Lake [577] Winnipeg, and especially Messrs. FORBISHER and MACTARISH, who reside at Montreal. The signal success, which this company met with, soon excited the jealousy of other merchants, and ere long three different companies made their appearance at the great carrying-place, and rivalled each other in the purchase of furs with a degree of emulation, which could not but prove highly detrimental to themselves and advantageous to the Indians. The north-west company, being more opulent than the rest, made use of its wealth to ruin its competitors; no stone was left unturned; the agents of the company's rivals were bribed and seduced; and the animosity between the different traders rose to such a height, that they frequently proceeded to blows. This petty warfare, which cost several lives and large sums of money, at length opened the eyes of the rival companies. They became sensible of the necessity of uniting in one body, and the north-west company, essentially interested in preventing any further molestation of this trade, made several sacrifices, to attain this end. They formed a connection with different members of the other companies, admitted other merchants to a share in their trade and thus secured their extensive commerce with the country situated [578] north-west of the lakes, the only spot where fine peltry can be had in abundance.

Several thousands of Indians formerly conveyed their furs to the great carrying-place. But at present the company send their agents a thousand miles into the interior parts of the Indian possessions. It

Page 576. After "bears," add "etc." "Charter"—"privilege." "Commercial operations"—i.e., *réunion*, i.e., "union."

Page 577. "Mactarish"—"Mactavish." (This mistake is made several times later as well as here and above.) "Great carrying-place"—"Grand portage."

frequently happens, that these agents continue there two years, before they return with the peltry, they have purchased, to the great carrying place.

The company employ about two thousand men in carrying on this traffic in the interior of the Indian country, which is, however, so extremely barren, that whatever articles these agents stand in need of either for their clothing or subsistence, must be sent thither from Montreal with considerable difficulties and trouble, and, of consequence, at an excessive price.

Near the great carrying-place, where all these agents meet, and which is the central point of this trade, stands a fort, which is kept in good repair, and garrisoned with fifty men.

The post of Michillimackinak is the rallying point of the different Canadian merchants, who do not belong to the north-west company. Their agents traffic only with such parts, as are seated west and south-west of the lakes, and where the [579] furs are of an inferior quality. They carry on this trade in the same manner as the north-west company, but as these small companies are less opulent than the former, their agents penetrate not so far into the interior of the country, as those of the north-west company.

The agents set out from Montreal in the month of June, and are six weeks going to the fort near the great carrying-place. They embark at Montreal in boats, forming parties of eight or ten persons, proceed on the river St. Lawrence from China to the Lake of the Two Mountains; descend the river Utacoha; cross Lake Nipissing; pass by the French River into Lake Huron; proceed to Fort Michillimackinak; and thence to the great carrying-place.

This way is shorter by a hundred miles than by the lakes, but you meet with thirty-six carrying places, several of which lie across rocks, over which the boats as well as the cargoes must be carried on the backs of the passengers, and that with great precaution, on account of the narrowness of the roads. The boats are but of four tons burthen; they are navigated by nine men, cost twenty-eight Louis d'or each, and serve but for one voyage.

The ships employed in the passage across the lakes, are from one hundred and twenty to one [580] hundred and thirty tons burthen. Flat bottomed vessels of fifteen tons are also made use of for this purpose, which are easily managed by four or five men, and are very durable.

Page 579. "Agents set out, etc."—"expéditions." "Six weeks," prefix "about." After "great carrying place" (i.e., Grand Portage), add "il faut quelques jours de moins pour arriver à celui de Michilimackinack," i.e., "It takes a few days less to get to Michilimackinac." "Eight or ten persons," "persons" is an interpolation, the reference is to the number of canoes (boats) not of voyageurs. "China"—"la Chine," i.e., "Lachine." "descend"—"remontant," i.e., "ascend." "Cross Lake Nipissing"—"par elle au lac Nipissin," i.e., "by this (viz., the river Ottawa or Utawa, misprinted Utacoha) to Lake Nipissing."

Notwithstanding the advantages, offered by this passage, the former route is preferred for the fur-trade, because, although it is attended with much trouble, yet it admits of the day of departure as well as the arrival being fixed with certainty and exactness, which point, on account of the wind, cannot be attained on passing over the lakes, and yet is of the utmost importance for the Canada merchants, as they must neither miss the period of receiving the furs from the interior of the Indian territory, nor that of expediting them for Europe; the navigation of the river St. Lawrence not being open for a long time.

About the end of June the agents of the company, sent into the interior to trade with the Indians, cause the articles purchased to be transported to their place of rendezvous.

At this time upwards of one thousand men are frequently assembled in Michillimackinac, who either arrive from Canada to receive the peltry, or are agents of the company and Indians, who assist the former in conveying thither the furs they have bought.

[581.] As the trade of the north-west company is far more important, than that of the other traders, the number of people, assembled in the fort near the great carrying-place is of consequence far more considerable at the time of the delivery of the skins; in this place there is frequently a concourse of one thousand people and upwards.

The method, observed by the agents in their traffic with the Indians, is this, that they begin with intoxicating them with rum, to over-reach them with more facility in the intended business. The agents carry on this traffic in those villages only, where there are no other merchants.

It is a circumstance, worthy of notice, that an ancient French law, enacted at the time, when Canada belonged to France, prohibits any rum to be sold to the Indians by the agents on pain of the galleys. Hence originates the custom, still observed at this day, of giving it away; yet this is not done without exception, for many agents sell their rum.

The (one thousand four hundred bundles) of fine peltry, from the great carrying-place, which according to the price, paid to the petty traders in Montreal, who collect them in small numbers, are valued at forty pounds sterling each, and which by the company are sent to London, fetch there (eighty-eight thousand pounds) sterling. They form [582] about a moiety of all the fine peltry, yearly exported from Canada, without taking into the account the furs sent from Labrador, from the Bay of Chaleurs and Gaspé or Gachepe.

For these (one thousand four hundred bundles) the north-west company pay about sixteen thousand pounds sterling, and for the proceeds thereof such articles are purchased in England, as the Indians are fond of receiving in exchange for their peltry, and the chief store-house of

Page 580. "expediting them for Europe" "leur expédition en Europe" "their despatch for Europe."

Page 581. "one thousand people"—"deux milles," i.e., "two thousand."

Page 582. "Gaspé or Gachepe"—"Gaspé."

which is at Montreal. As the accounts relative to this trade are generally kept in Canada in French money, the above sixteen thousand pounds sterling must be computed in the same manner, as this actually has been done by Count Andriani in his journal.

1. Commodities purchased in England	liv. 354,000
2. Pay for forty guides, interpreters, and conductors of the expedition*	88,000
3. Pay for one thousand one hundred men, who are employed in the [583] traffic in the interior of the country, and who pass the winter there, without returning to Montreal, one thousand eight hundred livres for each	1,980,000
4. Pay for one thousand four hundred men, employed in descending the river with the boats from the great portage to Montreal, and ascending it from this place thither, and transporting the merchandize	350,000
5. Price of the provision, consumed on the passage from Montreal to the great carrying-place, and at the latter place, upon an average per year	4,000

Total amount of all the expence, incurred by the company for one thousand four hundred bundles fine peltry liv. 2,776,000

On comparing the eight-eight thousand pounds sterling, which the sale of these furs produces in London, with these two millions seven hundred and seventy-six thousand livres, it should [584] seem that the company sustains a loss of six hundred thousand livres Tournois. But this loss is merely apparent, as will be obvious from the following statement.

The pay of the men, employed in the trade as mentioned in the above account is merely nominal; for excepting the forty guides and one thousand four hundred men, who are employed in ascending and descending the river with the boats, who receive half their wages in cash, all the rest are paid entirely in merchandize, which at the great carrying-place yields a profit of fifty per cent.)

*Every boat's company, consisting of eight or ten persons, has a guide; there is also a chief guide in every harbour, where they winter. They are all inhabitants of Canada, and receive each two thousand five hundred livres.—*Author*. (This is wrongly translated—the French reads “chaque équipage de huit à dix canots a un guide . . .” i.e., “Each flotilla of eight to ten canoes, has a guide . . .”)

Page 582. After “Montreal,” add “et pour le prix de leur transport d'Angleterre à Montreal,” i.e., “and for the cost of transporting them from England to Montreal.” NOTE.—“inhabitants of Canada”—“Canadiens,” i.e., “(French) Canadians.”

Page 584. “one thousand four hundred men”—“400 hommes,” i.e., “400 men.”

The merchandize, imported on behalf of this trade to the above amount of (three hundred and fifty-four thousand livres) consists of woollen blankets, coarse cloths, thread and worsted ribbands of different colours, vermilion, porcelain bracelets, silver trinkets, firelocks, shot, gunpowder, and especially rum. In fort Détroit these articles are sold for (three) times their usual value in Montreal, in Fort Michillimackinak (four) times dearer, at the great carrying-place (eight times,) at Lake Winnipeg (sixteen times;) nay the agents fix the price still higher at their will and pleasure.

As the men, employed in this trade, are paid in merchandize, which the company sells with an enormous profit, it is obvious at how cheap a [585] rate these people are paid. They purchase of the company every article, they want; it keeps with them an open account, and as they all winter in the interior of the country and beyond lake Winnipeg, they pay, of consequence, excessively dear for the blankets, and the clothes, which they bring with them for their wives. These servants of the company are in general extravagant, given to drinking and excess; and these are exactly the people whom the company wants. The speculation on the excesses of these people is carried so far, that if one of them happened to lead a regular, sober life, he is burthened with the most laborious work, until by continual ill-treatment he is driven to drunkenness and debauchery, which vices cause the rum, blankets and trinkets to be sold to greater advantage. In 1791, nine hundred of these menial servants owed the company more than the amount of ten or fifteen years pay.

This is in a few words the system of the company, at the head of which are Messrs. Forbisher and Mactarish, who possess twenty-four shares of the forty-six, of which the company consists. The rest, divided into smaller portions, are distributed among other merchants in Montreal, who either transact business with the company [586] or otherwise do not concern themselves in their affairs.

The north-west company is to subsist six years; at the expiration of which time the dividends are to be paid to the share-holders; until that time they remain with the capital.

Page 584. "dearer," omit. "great carrying-place," "au grand portage." "Winnipeg"—"Winnipey." "Nay, the agents fix the price still higher . . ."—"et plus haut le prix en est fixé arbitrairement par les chefs traitans," i.e.,—"And further up the price is fixed at their will and pleasure by the chief traders."

Page 585. Before "beyond lake Winnipeg" read "generally." After "excessively dear" add "le rhum qu'ils boivent," i.e., "for the rum they drink" "the clothes which they bring with them for their wives" "les draps qu'ils donnent à leurs femmes, etc., etc." "the cloth which they give to their wives, etc., etc." "Menial servants"—"employés"—occurring twice. "Mactarish"—"Mactavish."

Total amount of the Fur-trade.

The whole amount of the peltry, which the north-west company receives from the great carrying-place and exports from Canada, is estimated at	£88,000
From the Bay of Chaleurs, Gaspe, and Labrador	60,000
From different places in the interior, with which the trade is carried on by a certain number of merchants, who have associated in Michillimakkinak	60,000
Total	£208,000

That branch of this extensive trade, which is carried on by small companies in such parts, as are situated below the lakes, is likely soon to fall into the hands of merchants in the United States, as the free navigation of the Mississippi, stipulated [587] in the treaty with Spain, opens a more expeditious, a safer and less expensive outlet for those commodities, and a more easy importation by New Orleans to all the marts of the United States.

Amount of the Merchandize, exported from the Province of Canada in the Year 1786.

Rye, 103,824 bushels, valued at	£20,764	0	0
Flour, 10,476 bushels	12,571	0	0
Biscuit, 9,317 hundred-weight	6,056	0	0
Flax-seed, 10,171 bushels	2,034	4	0
Oats, 4,015 bushels	516	0	0
Pease, 304 bushels	62	16	0
Timber	706	0	0
Masts, staves, planks, shingles	3,262	0	0
Potashes	1,724	0	0
Maiden hair (<i>adanthum capillus veneris</i> , Linn.)	186	0	0
Horses, sixty-seven	670	0	0
Cast iron	1,200	0	0
Spruce-essence for beer	211	0	0
Shook casks	516	0	0
Banala; 1984 hundred-weight	1,289	8	0

Page 586. The pounds named on this page are "sterling." "Gaspe"—"Gaspé." "who have associated in M." "dont le point de réunion est M," i.e., "whose place of meeting is M."

Page 587. After "the United States" add "Il est à présumer encore que quelques marchands américains se mêleront aussi du commerce de pelleteries fines, et leur donneront une direction vers le sud beaucoup moins dispendieuse pour quelques-uns des points où l'on peut les obtenir que le débouché de Montréal par les lacs. Le tems et les succès des premières tentatives pourront seuls faire connaître de quel profit sous ce rapport l'Amérique pourra priver l'Angleterre," i.e., "It is to be expected that some of the American merchants will take a hand in the fine fur trade and give these finer furs a direction to the south; this would be much less expensive for some of the points where such furs can be procured than by way of Montreal and the lakes. Only time and

Salmon	759	0	0
Potatoes	55	6	0
Smoaked salmon	68	15	0
[588] Onions	300	0	0
Pork	376	0	0
Beef	210	0	0
Train oil	3,700	0	0
Salt fish and peltry from Labrador, from the Bay of Chaleurs and Gaspé, according to the list transmitted by Governor Coxe	60,000	0	0
Amount of the peltry which comes from the great lakes, from the factories of the north-west company, and other places, according to the under-mentioned detail	225,977	0	0
Sum total	£343,214	9	0

being the amount entered in the customs-house books of Canada.

*A detailed Account of the different sorts of Peltry, exported from
Canada in the Year 1786.*

	6,213	foxes skins.
	116,623	beavers.
	23,684	otters.
	5,959	minks.
	3,958	weasels.
	17,713	bears.
[589.]	1,659	young bears.
	126,079	dear skins in the hair.
	202,719	castors.
	10,854	raccoon.
	2,277	wild cat-skins, loose.
	3,702	ditto in bundles.
	7,555	elk.
	12,923	wolves.
	506	whelps.
	64	tygers.
	15,007	seal-skins.
	480	squirrel.

the success of the first attempts can show of what profit in this respect America can deprive England."

Before the table read "Une livre sterling est de 20 schellings, cinq schellings font une piastre forte ou dollar," i.e., "one pound sterling is 20 shillings; five shillings make a "piastre forte, or a dollar"—a clear mistake, 5s. currency made a dollar.

"Cast-iron"—"Ginseng."

"Rye"—"Froment" i.e., "wheat" "(ad)lanthum capillus veneris, Linn.)" is an interpolation. "shook casks"—"shook casles," a misprint.

Page 588. "Train-oil"—"Huile de poisson," i.e., "fish oil." Train-oil is "huile de baleine."

"Weasels"—"(Fisher)."

Page 589. "Castors"—"chats musqués," i.e., "muskrats." "Whelps"—"jeunes loups," i.e., "young wolves."

Although a variety of circumstances, incident to the chase, occasioned by the weather, or originating in the sentiments of the Indians, cannot but produce variations in regard to the quantities of peltry yearly received, yet the results of the years 1787, 1788, 1789, 1790, and 1791, nearly correspond with those of 1786; a circumstance, which as it happens in regard to a trade, that extends from Labrador to a distance of three or four hundred miles from Lake Superior, is very remarkable.

[590.] *Account of the Merchandize, imported into Canada in the said Year 1786, extracted from the Custom-house Books.*

	(Sterling)
Rum	£63,032
Brandy	225
Molasses	21,380
Coffee	2,065
Sugar	5,269
Spanish wine	31,288
Tobacco	1,316
Salt	2,912
Chocolate	129
Sum total	£127,616
	(Sterling).

An exact account of the value of piece-goods has not yet been made out in a regular manner; but in pursuance of an order of Lord Dorchester, the sum total of the value of all imports was by the merchants, upon a four years average, determined in the following manner, viz.:—

Amount of the above sum	£127,616	0	0
Merchandize for Quebec	99,700	0	0
Ditto for Montreal	97,800	0	0
Amount total of Imports	£325,116	0	0
Amount total of Exports	343,214	9	0
Balance in favour of Canada	£18,098	9	0

[591] To the above imports is to be added the value of six thousand seven hundred and nine barrels of salt pork, and of one thousand seven hundred and fifty-four firkins of butter, of about fifty or sixty pounds each, for the use of the military.

The imports in the following years 1787, 1788, 1789, 1790, and 1791, were nearly of the same value, with a difference of about five or six thousand pounds sterling, more or less.

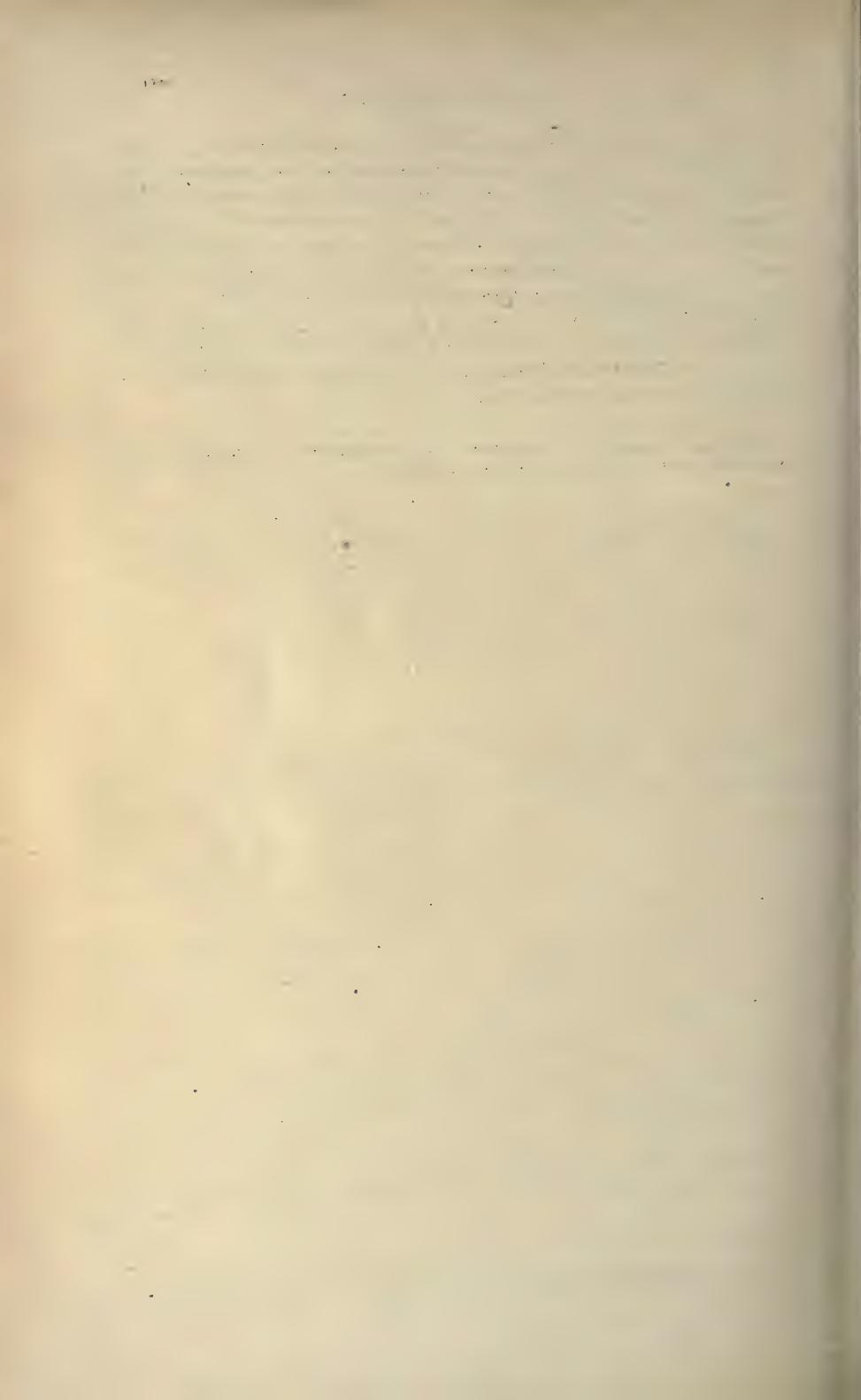
Page 589. "miles"—"lieues," i.e., "leagues."

Page 590. "in the following manner" read "with the following result."

Page 591. "one thousand seven hundred and fifty-four"—"1574." "and 1791" is an interpolation.

At the close of this short account of the trade of Canada I shall here repeat once more, that it is a faithful extract of the journal of Count Andriani, of which a friend of his, to whom he had communicated it, permitted me to make use. The abilities and character of Count Andriani, as well as the facility, with which he was able to make his researches pursuant to the direction of the British government, inspire great confidence in the exactness of the information, which he has collected. I have not been able myself to substantiate the veracity of his accounts; and besides it is easily understood, that since the time, when he wrote, some alterations may have taken place, in point both of the quality and the value of the exports and imports.

Page 591. "quality"—"quantités," i.e., "quantities." (Smith has interlined the word "quantity" before "quality.")





DAVID WILLIAM SMITH.
(Anglo-Canadian)

*From the John Ross Robertson
Historical Collection, Toronto.*

NOTES UPON MR. DE LIANCOURT'S TRAVELS IN UPPER CANADA,

BY AN
ANGLO-CANADIAN*

D'Israeli, in his "Curiosities of Literature," informs us, that "besides the ordinary errors, or *Errata*, which happen in printing a work, there are others, which are purposely committed, that the errata may contain what is not permitted to appear in the body of the work."

In these notes which are intended as Errata to the Duke's travels in Upper Canada, we shall dwell very little on the ordinary errors of the printing, of which, however, there are a competent Quantity—not only in the Typography, but in the Orthography of the work—we shall not enlarge much on the descriptive and topographical Errors of the writer—but we shall principally observe on the Errors which have been purposely committed—that our errata may contain a refutation of the falsehoods with which the work abounds, and exhibit to the world truths which this Emigrée would not permit to appear in the body of his Travels—Truths, that we hope will induce, whoever may print the next Edition of this Frenchman's Book, to interlard them with his Calumny, and by their mixture, lessen the detraction, so infamously aimed at private Character, tending to undermine all Confidence and threatening to pervert the Springs of Hospitality—for who will dare to receive the Traveller, and Stranger, and the needy, if urbanity is to be repaid by the disclosure of all private conversation, and all the unreserved interchanges of Society twisted, coloured, garbled and distorted, into ten thousand shapes, to answer ulterior purposes! Few men can retain a mass of private conversation sufficiently accurate to carry the same, through the festivity of an entertainment to their chamber, and there by cursory memoranda, to make faultless notes, to be the groundwork of a book, which is to describe the Continent of North America.

But Mr. de Liancourt's publication has a more expanded object. He not only endeavours to blacken the reputation of the King's officers in Canada, but he wishes to disseminate a belief among his Majesty's subjects in that Province, that its natural interests are incongruous with those of the Mother Country, and that they will not long be a member of this great Empire. But God grant that his prediction may be as false as it has been in regard to the transactions which have so recently taken place in his own Country.

*David W. Smith.

The Translator in his Preface to the travels of the Duke de la Rochefoucault-Liancourt is certainly mistaken when he asserts that "Britons and Americans now think of each other only as brethren," and that the Duke "communicates nothing but what is plainly of the highest authority."

This, of course, he takes from Monsr. de la Rochefoucault's own assertion, in his Dedication to his Aunt, wherein he says, "he has done everything in his power to insert nothing but what is authentic" and "that he has sought after truth by every means in his power."

In running over the Catalogue of this traveller's good Qualities, the translator calls him "one of the most amiable and most virtuous of all the french Nobility," but if Gratitude is any integral part of Virtue, the misnomer is great indeed, for want of Truth and want of Gratitude are characteristics properly applicable to this Frenchman, not that they are to be discovered by the Reader of his book in England; but he is known to deserve them by a person intimately acquainted with his visit to Upper Canada.

There is a great inconsistency in the Duke's Character, and probably the real object of his visit to America is not yet known—he tells you he "fled from the Poignard" of the revolution in France; and yet while safe, in another Country, he descends to dedicate his work to his Aunt as "Citizeness" La Rochefoucault D'Enville and "shrinks in agony from the Exultations with which british officers tell him of the ruin of the naval force of republican France."

The Translator informs us that "he visited the Lakes, the Bays, the Creeks, the points of the Influx of the navigable Rivers into the Sea, and those beyond which navigation cannot ascend towards their springs, etc., etc."

Now so far as Upper Canada is concerned his personal knowledge was confined there to a journey of thirty-six miles on the side of Niagara River, from Fort Erie to Navyhall, at the Emboucheur thereof; and from thence to Kingston across Lake Ontario, the smallest of the five Lakes which empty themselves by the St. Lawrence.

The Duke tells you that "General Simcoe, the Governor of Upper Canada, was informed of his journey to that Province by Mr. Hammond, the English Ambassador to the United States," and that the Commandant of Fort Erie, where he entered the Province, "was directed to show his (and his party) every civility in his power," which he accordingly did! and yet his Translator acknowledges, that "whenever the views, the interests, and the public servants of the British Government come to be mentioned, the Duke usually speaks the language of a foreigner and a foe!" so much so that in some places "it has been found expedient to insert initials for proper names and to substitute asterisks for sentiments."

And further he admits, that his author "tells all that he could learn, without being restrained, even by considerations of personal delicacy, or the secrecy of honour from making public several things

which were certainly not intended to be thus proclaimed to all Europe by those who communicated them to him."

The liberal compilers of the *Monthly Review*, make this remark upon the Duke: "We cannot refrain from observing that the author has taken the most indecent liberties with private characters. In numerous instances he has retailed the little scandal and evil reports which neighbours are said to have whispered of each other; some of those stories which he calls ludicrous are incredible and foolish; and even little familiarities of Courtship, with a modest young woman, are related with the same wantonness."

"His mention of persons is frequently divested of delicacy and discretion; and he appears to be but little restrained by the dictates of charity."

"The Cool Levity with which Individuals are treated by him is, perhaps, without parallel among writers who have pretended any regard for the character of others, or for their own."

"A considerable portion of his communications respecting Canada, consists in relations of what passed in private Conversation. Whether the representations of M. de Liancourt be correct or otherwise it is not our Province to enquire: but it is painful to us, to behold an instance of a man of high rank and liberal Education so abusing the general confidence observed not only among Gentlemen, but among all ranks of people, as to treasure up for general Circulation whatever might be uttered in the unsuspecting intercourse of retired society."

The Duke indeed had small means and very few opportunities of procuring information, except what he picked up at private Tables, and that he has not only disclosed abundantly, but has twisted, turned, garbled and perverted, to suit his own purpose. The great kindness shown to him by Governor Simcoe has been ungratefully returned, and fastidiously acknowledged; he lived with his Excellency near eighteen days, during which time he never was three miles from the General's Residence,* the remainder of the time he was in Upper Canada, which was but short, he was entertained by the Officers of the 5th Regt. of foot, commanding at the Posts of Fort Erie, Fort Chippewa and Niagara, and was probably not more than a mile from any of their respective garrisons: the world, therefore, may easily judge of the scope he had for personal observation; and as to Lower Canada, which he touches upon in 50 pages, at the latter end of the 1st vol., he never was within 150 miles of that Province. Lord Dorchester having refused to permit Mr. de Liancourt to descend the St. Lawrence; and for many reasons it was just as well he did not.

But to be more in detail, Mr. de Liancourt surely means to be sarcastic when he calls a small armed vessel on the lakes [381] an English frigate!—and a Captain commanding a company at a small [382] post a Governor!—the fort of which he represents as surrounded

*Excepting one Tour of four days, along the banks of Lake Ontario, in a bark Canoe, with the Governor, in order to see the interior Country!

with tottering Palisadoes, and by way of affording great information to the non-military part of his Readers, the Duke tells you that the duty of the soldiers, who form the Garrison of Fort Erie, consists in standing [383] sentries, etc.

[384] Yes, Translator, the 15 shillings per trip for 5 men taking a batteaux from Fort Chippewa to Fort Erie is in addition to their pay as Soldiers; and the Duke should have said it was for conveying "military stores" and not "goods" destined for Detroit.

By way of further information, he says, the Soldiers have a Garden where they cultivate Vegetables. The Duke is not correct in the items he gives as composing a ration of Provisions, nor in the sum paid for them. [385] His assertions, too, relative to the tour of duty taken by each Regiment, etc., is altogether hypothetical.

[386] The Schooners and other armed vessels in Lake Erie, he is pleased to call Yachts.

A great deal may be collected from the following passage, speaking of the "french" Canadians, who are hired as boatmen, between Forts Erie and Chippewa. "The Canadians no sooner learned that we were Frenchmen than they expressed to us a satisfaction, attachment, and respect, repeated demonstrations of which, our peculiar situation obliged us to avoid."

Why should *any* man whose pursuits are just and honorable avoid the receiving of that respect which is his due? Was the Duke afraid that the homage of these voyageurs might prevent his being admitted into Lower Canada?

[387] His Comparison of the paper money of France with that of Upper Canada is not a good one—everyone knows the depreciation of the one; and the other has never yet been below its value. Previous to the Province being organized into a civil government of itself, the Commandants of the posts took Securities from persons issuing paper money and appointed a check [qu. clerk?] to countersign the notes, that the Quantity for which Security was given should not be exceeded. Since the formation of the Government hard Dollars have been circulated in abundance, and the Receiver-General has sometimes made payments of silver in wheelbarrows!

[388.] When Major Pratt insisted on sending the Duke in one of his boats, attended by an officer, and manned with 6 soldiers, to Fort Chippewa, he requites that officer's hospitality and civility, by saying this act of kindness bore the appearance of scorn, more than politeness.

And how much unlike a french Nobleman, of the [394] Court of Louis XVI is Mr. de Liancourt, when he condescends to take off "Poor Lieutenant Faulkner" for addressing him as "his Highness," and observing how dull he was untill some glasses of wine had cheered up his spirits.

[400.] The Duke makes some misnomer in talking of the lands from Chippeway to "New York."

[405.] And he very much mistakes the real state of things when he says that though the Canadas have a representative form of government, yet all the springs of the political machine are in the hands of the Governor-General!

The best refutation to this assertion is that the Government have not the power or influence to return one member to the House of Assembly of either Province.

[408.] The Legislature have nothing to do with the allotment of Lands, they belong to the Crown, and are granted by the Governor-in-Council.

The Representatives, or Commons House of Assembly, are elected for four years only—not for seven. No titles of honour have yet been connected with a seat in the Legislative Council.

[411.] The River La Tranche, or Thames, is not near the Miami River, and for the Great River the Duke probably means the Grand River.

[417.] The Justices of the Peace in their individual Capacities as Magistrates, had no power to grant lands, but certain Boards which were appointed for the purpose, and of which the Justices were, many of them, members, had the power of recommending for 200 acres, that being the smallest quantity of Land granted for a farm.

[423.] The Duke very much misrepresents when he says the property in these lands is sooner or later transferred according to the will and pleasure of the Council; and that the money expended in their improvement has been spent for the benefit of the Crown. The Government have taken every pains to ascertain the person legally entitled to the right promised by the original ticket of occupation; and have issued Grants under the Great Seal to them.

[424.] Mr. de Liancourt has enlarged very illiberally on this false statement, as no order of Council was ever revoked where the necessary Improvement was made within the prescribed time, or unless some trick was attempted on the Government, in the true spirit of American Land-jobbing.

[427.] The principal Merchants who were settled in Detroit did remove from the American to the British side when the american posts were given up.

[405.] The Duke tells you he employed his long residence in Niagara to acquire some knowledge of the Country! the attainment of which was greatly facilitated by the "generous openness of Governor Simcoe," and having obtained by this generous openness all the General's private plans and sentiments, in the confidence of one Gentleman, to another, he embellishes them to his own fancy, and publishes them to the world; wishing to impress his Readers with a [429] belief that this good and pious officer had assisted the Indians and instigated them to make war against the Americans! And he reproaches the General for acts done in America during the Rebellion; in his military capacity; in the Service of his King and Country! and accuses him of a thirst to be revenged on the separated States.

The flimsy excuse for this disclosure is that the General had communicated these projects to other Persons. If an ardent and passionate desire to serve one's Country; if humanity blended with unlimited Courage; if great conceptions to promote honorably the Interests of Great Britain can be called revengeful and bloodthirsty, then General Simcoe may deserve the animadversions of this Frenchman, but the friends of that lamented officer, who died in the Service of his Country, will never allow his memory to be traduced by a Cowardly fugitive, who has since (it is said) made his peace with Buonaparte: for, had the french Nobility manfully stood by their King and their Estates, the convulsions of France might have been lessened, if not prevented.

[430.] The Duke then conjectures on the possibility of England being long able to retain Canada—if he be alive, let him read the accounts of the glorious struggles they have made to retain it in 1812 and 1813, in conjunction with the exertions of its loyal Inhabitants.

[431.] In speaking of Mrs. Simcoe, Monsr. de Liancourt forgets all his polite gallantry as a frenchman of fashion, he loses all the dignity of a nobleman, and he clearly shows how ignorant he is of the kind and amiable reciprocity which exists between man and wife in this blessed land of freedom and happiness! Was it well done of the Cidevant Duke de La Rochefoucault-Liancourt, (while he was fostered by an English Governor, in a country where he was received with as much attention as if he had then actually enjoyed his honours and his property), to publish to the world that this Exemplary Lady performed the duties of a wife with so much scrupulous exactness as to act the part of a private Secretary to her husband?

Was she thus to be metamorphosed into a clerk because she sometimes copied her husband's confidential dispatches?

Fye, sir! you should have respected the Ladies delicate feelings; altho' you had none such for her Lord! But Mrs. Simcoe is well known to all who loved and followed the General's fortunes, and no reflections on her conduct, whether powerful or puerile, can shake their attachment to the relit of their friend, or induce the world to believe or form any opinion on the Duke's assertion, except that of ill nature and ingratitude in his own breast!

[431.] Note.—When Mr. Philips was about to publish Monsr. de Liancourt's Book he wrote a very civil letter to General Simcoe, desiring to know if he wished for any alteration to be made in the Duke's assertions relative to him.

The General's answer of the 25 June, 1799, with a short preface, a note to Mr. King in 1800, and a Letter of his father's, are inserted after these notes, to which the reader is referred.

[437.] The Duke says that "all the Expences of the civil and military administration of Upper and Lower Canada are defrayed by England, and that the sum total," including the political Expences or the money paid to the Indians, "though this forms an item of the military Expenditure, amounts for Upper Canada to £100,000 sterling,

nearly two-thirds of this sum or £60,000 are paid to the Indians," their agents, etc.

Mr. De Liancourt seems fond of dealing in large round numbers, the accuracy of which he certainly could not vouch for, for there was nobody in Upper Canada who could inform him what the "military Expenditure" was, that being under the Controul of Lord Dorchester, and his Lordship did not chuse to afford the Duke the means of information, which he obtained at table and in private, otherwise by "Governor Simcoe's generous openness."

And then speaking of the presents given to the Indians, he displays all the malignity of his heart by a falsehood, which must tend to create bad blood between the British and Americans, whom, he says are depicted to the Indians as their inveterate Enemies, and that "they are made to swear that they will burn and scalp these foes at the first Signal." And he would then induce you to believe that General Simcoe had contemplated the Service of 50,000 of [438] these Indians, "who had all taken an oath not to leave a scalp on the skull of any American they should fall in with!" and to crown all he says, "it is literally true!"

So damnable an assertion against the most pious, the most humane, and one of the bravest Gentlemen of his time, is not to be borne with Temper. The Duke's own Translator admits it to be "a matter of regret, that his Author should have preferred a charge of such a serious and heinous complexion, without giving himself the least trouble to substantiate its truth." Had he taken all the trouble in the world he could not have proved it, for 'tis as unfounded in fact, as 'tis hellish in Idea. It is as untrue as that which this frenchman tells you is "literally true"; the probability of collecting 50,000 Indians! It is as untrue as another infamous assertion he makes, where he would lead you to believe that the Americans are so profligate as to be bribed in very large sums of money to betray the Interests of their own Country in favour of ours!

Had this attack upon the American character been published before he visited their Country so extensively, he probably would not have had to record the Enthusiasm with which he tells you he was sometimes received—particularly at Goochland—where he "flatters" himself by construing drunken intrusion into Regard and affection.

[439.] The Duke's opinions on the Grants of Land, seem only to expose his want of good information, and he appears [440] to know but little of the drawbacks allowed on certain articles exported from England for Canada.

If Mr. de Liancourt was within the pale of the English law he ought to be prosecuted [447] for what he says of Colonel Butler (which the Translator has noted only by Asterisms). This Gentleman never had the privilege of taking from the Indian store houses, which contain their presents, whatever he chose!

[449.] The Duke mistakes again in calling the Grand River the Miami or Great River. The Miami River is in the United States,

but he has written of so many places he has never seen that this may be considered a trifling mistake.

[450.] Brandt does not dress after the European fashion; he never wears breeches—perhaps the Duke alluded to French Sansculottes, when he asserts this.

[451.] We have next as notable an account of the drawing of a net as we had of the duty of soldiers, which was to stand sentry. We are told that “one end of the net was held by men who remained on shore, while the Remainder was carried into the stream by means of a boat, which after the net had been entirely expanded conveyed the other end back to the shore. Both Ends are joined on the spot, whence the net is drawn.” Miraculous—great information—fit for the Dictionary of “reticulated” Johnson himself. Did ever anybody hear of a net being drawn on the shore in any other way? Surely this information was designed for the Children’s Repertory of Arts, and ought to be classed with Wallis’s Progress of Wool and Progress of Wheat, published at the Juvenile Library!

[453.] The Duke de Liancourt’s misrepresentations are not easily detected by his Cis-Atlantic readers, for his assertions are broad and positive as of his own Knowledge; but those who have been in Upper Canada can refute his statements by as positive contradictions, upon the best and most substantial Evidence—The Testimony of the thing itself!

What can be more mischievous than his attempt to make you believe that Colonel Smith was clearing 5,000 acres of Land by the Soldiers of the Regiment under his command, who were reduced to labour for him at reduced wages, or not be allowed to work at all? What can exceed the impudent assurance of such an assertion? But the malignity of his intention perhaps is answered, and the impression is made on most of his early readers. The subsequent perusers of his work, as his character is more canvassed, become better acquainted with his untruths. The copy to which this is annexed was purchased out of a Circulating Library, and this false statement as to Colonel Smith (which cannot be called, in any way of expressing it, less than a Lye), induced some person into whose hands the book had fallen, to write in the margin, “Bounce! there is not one acre of it cleared.”

Thank you anonymous lover of Truth, for this marginal Correction.

What must the Duke feel, if he has any feeling at all, when he reflects, if ever he reflects at all, what injury might have been done to this officer’s military Character, by this rash Assertion?

What must he feel himself as a man, to be told that this assertion is as barefaced a Lye, as it is evidently a Libel; for it can be proved beyond the possibility of Contradiction, that there never was a soldier of the Fifth Regiment within forty miles (as the Crow flies across the Lake) of these 5,000 acres or about 120 miles to go by Land—at such a distance was this Land from the Garrison of Niagara, Lake Ontario laying between. Nay more, Colonel Smith never cleared an acre of this land; neither He nor any of his family, nor any Soldier in the

Regiment ever saw it, and excepting the American families which were put upon it to make the necessary settlements, it is in wood to this day, and that is self-evident Testimony which cannot be set aside.

The Duke's statement is almost too puerile to be treated seriously; but as Strangers to that Country, who read his book have no means of discriminating, they ought to be correctly informed by those who have been in Canada.

The good Colonel died in the House, which the Duke mentions, unconscious of any act, to disturb his latter end, and little suspecting that the attention of himself and Son to this exiled nobleman, would have been requited by such an unfounded attack upon his military character. His Son, who built the House, and was Surveyor-General of the Province, to which he was passionately attached, with an equal love combined for his Country and his King, must feel somewhat nettled at having his improvement compared to a "French Kitchen Garden!"

[456.] It is not correct that 5 members only of the Commons House of Assembly could be collected at the Parliament which opened while Mr. De Liancourt was at Navyhall, tho' it is possible that number only resided at Niagara, and the distant members might not have arrived in time for the Governor's speech—and the Duke makes one grand mistake when he says, speaking of the Parliament, there is no "Opposition," for [457] negatively speaking, nearly all the Members are in Opposition, there being no such thing as a ministerial party, and though some of the Officers of Government have, from their individual good conduct, and consequent popularity been returned to Parliament, the Government have not the power of bringing in any one Member. But it has happened that an Officer of the Govt. has been Speaker.

[458.] In describing Fort Niagara, the Duke says all the buildings are of Stone, and were built by the French.

We beg leave to say, that a very great proportion of the Buildings are of wood. The old french trading house (now used as a Mess House) is of Stone—so is the Magazine, but most of the Officers' Quarters and all the men's, and the upper halves of the Block-Houses are of wood.

[459.] The Duke represents the Niagara River as intercepted for two or three months by masses of floating ice, and that the Indians now and then cross it, "by jumping from one piece of ice to another," but the number who venture are never great.

We believe this last Assertion of the Author's to be one of the trueisms of his book, and that the number who so pass are very small. We never had the pleasure to know any of the Jumpers! Instead on months, however, the passage of the River was seldom interrupted for 2 or 3 weeks—indeed seldom a week, wherein you could not pass over in a very small, light boat, assisted with Ice-hooks.

What a dissatisfied traveller this Monsr. de Liancourt must be, who, while he tells us that Governor Simcoe [467] loaded him with civilities, in a manner the most agreeable, yet, His "Dukeship"

(for "Grace" he had none) "did not experience one moment of true happiness, and real untainted enjoyment during the whole time of his residence at Navyhall?" But then after a Farrago of contradictory stuff, he shews the cloven foot and tells you he would rather be poor all his life, then owe his restoration to British Pride!

[472.] One of the greatest "Jugglers" who has ever been in Upper Canada, is the Cidevant Duke De la Rochefoucault-Liancourt.

[478.] The good people of York are very much obliged to this french Gentleman for representing them as "Inhabitants who do not possess the fairest character," because they are of opinion it will be considered equally false, with many other of the Duke's statements, and his personallity to Mr. Bercsey, the leader of the German settlers, is gross, and deserves correction.

The first thing our traveller contemplates on leaving General Simcoe, whose plans he professes sometimes to approve, is that the dependance of Canada on [480] England will not be of long duration.

[481.] He says the separation is an Event which cannot fail to take place, and that he knows of nothing that can prevent it.

One thing probably has retarded it, or rather perhaps the attempt to separation, and that is Lord Dorchester's wise refusal to let this bigotted frenchman disseminate his notions among the Lower Canadians. He might have done mischief at Quebec and Montreal.

[482.] The Duke then dismembers at a great rate—he not only predicts the speedy loss of Canada, "this bright Jewel of our Crown," but hints that India will share the same fate. With equal facility he lops off Florida and Mexico from Spain, and dismembers Portugal of the Brazils, but he does not foresee the loss of any of the French Colonies—he has no second sight there—he could not foresee that at the close of the year 1813, They would be eased of all their foreign possessions, and that the ruler of his nation would be sighing for "Colonies, Ships and Commerce."

[469.] He could "not discern the period when anarchy should cease in his ill-fated country," and France should rest her Glory on a safe and lasting foundation. He, despairing runaway, could not calculate upon the restoration of the Bourbons as other powerful minds always did.

[468.] He who would prefer to "continue poor and banished all the days of his life, rather than owe his restoration to his Country and to his Estates, *to the influence of foreign Powers*, and to British pride," ought not to benefit by the amnesty, which the people of France have obtained by the personal Interference of the Emperor of Russia and the King of Prussia!

He who deserted Louis the 16th and afterwards cringed to an usurper, should not be allowed to profit by the restoration of Louis the 18th.

No! he should be haunted by the Manes of our lamented Simcoe, till he had atoned for his Ingratitude and made a public recantation of his falsehoods.

[483.] Captain Littlehales was General Simcoe's Major of Brigade and not his adjutant.

[484.] When the Duke leaves Niagara he forgets what he has said about the troops not being paid with money, for he tells you there were on board the same ship with him, "a detachment of the 5th Regiment, destined for Kingston, to bring money." [487.] He lashes this party a little for the pains they took to make themselves clean and full dressed before they landed, without saying a word about the pains the french Soldiers of old took under their Kings, to be highly powdered and smart in their appearance.

[490.] And if ever there was an illiberal disclosure, it is that which the Duke makes on leaving the King's ship, in which he was sent across the Lake. He tells you that Governor Simcoe had amply supplied them with provisions and told them they were not to pay for their passage, yet to pacify the french rancour of his breast, and to deceive himself with the idea that he was not "making this passage at the Expence of the King of England" he offered poor Lieutenant Earl, who commanded the Vessel, a present, which it seems he received; and the Duke dishonourably publishes it to the world and says, "However *Kingly* were the Commander and his Ship, he took our money."

Mr. Earl was not an officer of the Royal Navy, but a Lieutenant in the provisional marine Department, whose pay is very small, and if by any strained Construction, his accepting this present, from a Person calling himself a Duke could be twisted into an improper act; his poverty must be blamed for it and not his will—besides in point of right, custom would give him some claim even for these Refugees.

The Duke not finding his passports at Kingston, gets much out of Temper, says 'tis owing to Governor Simcoe and Lord Dorchester not being on good Terms—reflects also upon Mr. Hammond—and reiterates Patience! Patience! of which he appears to have none. So enraged is he with his Lordship that [495] speaking of him afterwards, in the opinion of two Parties, one of which think him to possess profound wisdom and consummate abilities, while the other considers he was formerly an useful man; the Duke cannot help adding "but he is now superannuated."

Had Lord Dorchester permitted him to go into Lower Canada he might have been considered so.

[498.] By Queen's Bay, he probably means the Bay of Quenty.

[503.] The Duke is not quite correct when he says, "there are few, or no wolves, rattlesnakes, or other noxious animals within country."

[504.] Resin and Tar for common use have often been obtained from the Pines, but not as an article of Trade; and the experiments for the culture of Hemp and Flax have not been unsuccessful.

[509.] No better Carpenters are to be met with anywhere than at Newark.

[510.] As if the Duke had never taken too much wine before, he speaks of the Hospitality of Capt. Parr, and of Major Dobson of the

60th Regiment, who commanded at Kingston, as forming a remarkable Epocha to him and his Companions—

[512.] but in speaking of the officers of this Regiment afterwards, altho' he says they are well bred and polite, his translator thinks proper to omit something, which he replaces by two lines of Asterisms.

The Duke then speculates a little, talks of its being better for Great Britain to declare Canada independent—that one half of the Militia would not take up arms against America and none perhaps against France.

Would Mr. de Liancourt have Britain give up Canada, that she might throw herself into the Arms of France? Let him read the Quebec Gazettes of 1813, for a refutation of his assertions on the Militia, in thinking they would not fight the Americans! and his premeditated Journey to Lower Canada was possibly to enforce by the subtilty of his arguments, the propriety of their never taking up Arms against France!

[513.] He then says it is believed the Loyalists, as they are esteemed, would certainly assist the States, if they marched any troops into Upper Canada.

Let him read the papers, I say.

And then forsooth he wishes to put these Conjectures in the mouths of the Officers of the 60th Regiment, twisted, no doubt, to answer the Duke's purpose, and garbled from the generous openness of Conversation at their military mess!—a grateful return upon similar principles to those exercised towards General Simcoe.

But it is clear from what the Duke often drops when he is less upon his guard, that he must frequently have obtained the opinions of very low and perhaps wicked individuals, which he has set down as sentiments of whole classes of the people, however erroneous; and thus by this heterogeneous mixture, of exposing and distorting the unreserved communications of confidential and unsuspected Intercourse, with the tattle of every Blackguard he could interrogate in private, he has conjured up a publication as illiberal as it is in many parts untrue, and written probably for ulterior purposes not yet developed.

The Duke cannot leave the Province without having a slap at "the Royal Navy," which he tells you is not very formidable at Kingston. This is one of our traveller's few truisms, for certainly the Royal Navy is not very formidable on Lake Ontario, no part of them being there—the vessels employed are for the conveyance of troops and baggage across the larger waters, and being *peace time* in that Country, were neither half armed nor manned—the crews are hired as for Merchant vessels and this Service constitutes a department which is called the provincial marine, and the transport duty is the principal object of this branch of the military establishment. But the Duke uncharitably informs you they have another object, namely, the embezzlement of stores, although he admits that an enquiry was made into two officers' conduct, who, not being dismissed, he rejects the benevolent conclusion that they were innocent, and hints that they were protected

by influence, but he proves nothing! and nothing proves more how little any of his assertions should be attended to:

[515.] After condemning the poor Commissioner and the principal Shipwright he transfers his affection to Captain Bouchette, a *french-Canadian*, who certainly deserves all he has said of him—but we believe the Duke would not have rendered this officer his due if he had not been a *frenchman*.

[516.] Our traveller then draws an invidious distinction between the English and French Services; thinks our discipline is too severe, and our men not treated with so much attention and kindness as theirs. This only exposes his venom and his ignorance, for the Regiments in general in our Service are more connected like a large family than any non-military man can conceive; and great attention is paid to the comforts of the Soldier in Canada.

[519.] The Duke, however, admits afterwards, that the severity of our service did not prevent the detachment, which was relieved at Kingston while he was there, from taking a hearty farewell, and cheerful glass with their friends, for he says, "The soldiers were, without exception, as much intoxicated as he ever saw any in the French Service!"

[520.] In speaking of the pleasure he received in a batteau rowed by *french-Canadians*, who always sing in unison with the motion of the oar, he says, "You fancy yourself removed into a Province of France; and this illusion is sweet!" We rather apprehend the sweet illusion upon the Duke's mind was his desire to have Canada a *french Province*.

How ungentlemanly to talk of the officers' politeness at Kingston, and then to insinuate that none of them were well informed men. We should imagine the Duke was not the best judge in the world of either.

[523.] In speaking of a *canadian family* who were travelling, the Duke gravely informs us, that they dressed their supper—"and eat it!"

[380.] The Duke entered Upper Canada on the 20th June, 1795, and on the 22nd July [528] receives Lord Dorchester's refusal to descend into Lower Canada, upon which he vents a *Philippic* against his Lordship and Mr. Hammond, in no very decent terms, and draws a comparison between "His Grace's" reception in Canada and the way he is obliged to leave it. [529.] And in his chagrin he admits he did not merit the honours he had received—[530] grumbling, however, in Major Dobson's own barge, which he lent the Duke to carry him to the United States, this ingrate exile vents his disappointment in the indecent sentiment and satisfaction, that he was going to a country "where no commandant, no governor, no minister, enjoys the right of offending honest men with Impunity." How soon *frenchman* you have forgotten the civilities you received from the Governor and the Commandants of the Province you have left, where the Laws of the land do not permit any honest man, whether he be Duke, or Peasant, to be injured with impunity, and if offence could always be conjured up into a crime, these officers would have a heavy complaint to make against

"His Grace" for his offensive remarks upon them—when he had ceased to receive their favour and protection; and his Ends had been answered.

[530.] Having got the Duke to Oswego we shall leave him in the United States; where (while he so much praises it), he did not wish to go, and as he could know so little of Quebec, where he did want to go, but was not permitted to be, so we consider all he has written of that Province to be too hypothetical to require any notice, and, therefore, unworthy of being corrected in these Errata.

The following is the publication by General Simcoe alluded to in the note after the observations, upon page 431.

"Lieutenant-General Simcoe, understanding that the translation of the Duke de Liancourt's travels has been much circulated, thinks it not improper to print an Extract from a letter of his to the Printer, Mr. Phillips, in answer to a very civil communication received from him respecting that work. This extract will elucidate the purport of the Communication, and at the same time account for Lieutenant-General Simcoe's speech, on the closing of the first Parliament of the Province of Upper Canada, being inserted in the appendix of that work.

He adds a paper delivered by him, when he was very lately under orders for foreign Service, to the Honourable Rufus King, Minister from the United States."

"EXTRACT.

"WOLFORD LODGE,

"25th June, 1799.

"I feel myself highly obliged by your Letter of the 19th of June, and the more so, as the press, since the commencement of the American war, has fashioned itself to the views and interests of those, who have endeavoured to destroy the constitution of England.

"In respect to the subject of your Letter, I do not see how it would be practicable to alter, in the translation, what the Duke de Liancourt has printed in his native language. The Sheets before me are, I think, uniformly mistatements, and those on points (such as the Canada constitution) where he had the subject matter in print. I presume these errors not to be wilful. In respect to any part of my public conduct, that will be always ready to meet discussion where *such discussion* is useful to the public; but, I trust, our american enmity has ceased, and I *know*, that under God, I am the instrument that prevented the war between the two Countries.

"If the Duke de Liancourt, on his return to Philadelphia, told the Americans, that should a war commence, I said 'it must be a war of the purse,' and that instead of their attacking Niagara, 'I meant to attack Philadelphia,' his visit (and also that of many others) was of great temporary utility to the King's Service. But where he could pick

up the story of there being *fifty thousand* Indians (which no american could believe) or that they had all taken *oaths* to *roast* and scalp the Americans, which many Americans would swallow, I am at a loss to conceive.

"On the whole, let his book take its course in the world: if necessary, I shall contradict it; if otherwise, still in process of time my posthumous Memoirs may appear, and a niche may be reserved for this very ungenerous Frenchman.

In the 240th page the Duke mentions my *boasting*: I detest the word, and trust it has never infected my conduct: I wish it could be altered to 'speaking,' or any other word. The fact is not true; I *never* burnt a house during the whole war, except foundries, gaols, and magazines; and in the 'Memoirs of the Queen's Rangers,' a few copies of which I published, in one view to contradict such Characters as La Fayette, and Chastellux, I expressly remarked, page 20, 'on the return, and about two miles from Haddonfield, Major Simcoe was observing to some officers a peculiar strong ground, when looking back, he saw a house that he had passed, in flames: it was too far gone for all his endeavours to save it; he was exceedingly hurt at the Circumstance, but neither threats of punishment, nor offers of reward, could induce a discovery. This was the only instance of a disorder of this nature that ever happened under his command; and he afterwards knew it was not perpetrated by any of the Queen's Rangers.'

"So that you see, sir, my proud *boasting* is of a different quality from what Monsieur Liancourt has apprehended: but most certainly, if american *Avarice*, *Envy*, or *folly*, had attempted to overrun Upper Canada, I should have defended myself by such measures as English Generals had been accustomed to, and not sought for the morality of war, in the suspicious data of the insidious Oeconomist: my humanity, I trust, is founded on the religion of my Country, and not on the hypocritical professions of a puny Philosophy.

That the Duke de Liancourt asserts my *defensive* plans were settled, and that I loudly professed my hatred to the United States, I conceive with the *candid reader*, will make all those shafts fall harmless, which through me, *he* aims, as an *honest Frenchman*, at my Country and its best interest, namely, an irrevocable union with the United States. Those sentiments of mine were called forth into public, by the improper conduct of Mr. Randolph, the american Secretary of State, in 1794, and are printed in Debret's collection. I know they gave great satisfaction to the English-Americans, and as much umbrage to the Philosophists and Frenchmen.

"I will trouble you for a moment to say, that if you publish any papers as an appendix to your translation, you may not think it improper to include the speech I inclose, which has never been printed in England, and is illustrative of the objects I had in view, and may, by a note of reference, be easily connected with the view of them, as exhibited by Mons. Liancourt.

"His descriptions, it may be easily traced, originated from snatches and pieces of my conversation.

"Should this speech not enter into your plan, I will be obliged to you, to return it to me.

"Does the Duke de Liancourt mention his companion, Petit Thouars? Perhaps your translator may not know that he was Captain of the *Tonant*, and killed in the battle with Lord Nelson; if he does not, the anecdote may be agreeable to him.

"I am now to apologize for the trouble I give you in this hasty letter: receive it as a mark of my respect, as I would wish to stand well in the opinion of a man, who, like you, has the wisdom to see that the character of the nation is interested in that of the individual; and that unspotted reputation is the most desirable acquisition for a military and civil servant of his King and Country to secure and to enjoy.

"I observe the translator says, p. 229 '*York designed to be the seat of Government*' etc. It is at *present* the seat of Government, but before I left England for America, I *designed* London, on the Thames, or *La Tranche*, as the seat of Government, and York as an Arsenal. I did not, as Mons. Liancourt seems to suppose, act from circumstances, for I always expected Niagara to be given up, and never thought its possession of importance."

Copy of a paper delivered to the Honorable Rufus King, Minister of the United States (by Major-General Simcoe).

"London, May, 1800.

"The Duke de Liancourt-Rochefoucault, in the recent publication of his travels thro' North America, speaks with much freedom of Major-General Simcoe, then Lieutenant-Governor of Upper Canada.

"It must evidently appear to any person, who shall give the subject due consideration, that the conclusions which the Duke de Liancourt draws from his supposed communications with the Lieutenant-Governor (while living in his family) are at variance, and inconsistent with themselves; yet, as a servant of his King and Country, Major-General Simcoe deems it proper to say, that the principles which governed his conduct while in the administration of the Government of Upper Canada, were the reverse of what is insinuated by the Duke de Liancourt, and that he was actuated by the most sincere intentions to preserve peace, good neighbourhood, and good will between the King's subjects and those of the United States; and he has ever been of opinion, in express contradiction to Mons. de Liancourt, that the most strict union between the two nations, is the real interest of each, and will mark the soundest policy and true wisdom in those who shall, respectively, govern their Councils. Major-General Simcoe is so conscious of having personally acted upon those principles, during his administration of that Government, that he has claimed from the Duke of Portland and Mr. Pitt, protection and consideration, as having been the principal means of preventing hostilities with the United States, from the mode in which he executed the military orders he received in Upper Canada.

"In testimony of these premises, Major-General Simcoe begs leave, most respectfully, to offer this representation to the Honorable Rufus King, Minister plenipotentiary from the United States to the King of Great Britain."

"Lieutenant-General Simcoe adds a letter of his father to the late Lord Barrington. This monument of the elevated views and statesman-like projects of an accomplished officer, will best elucidate the earliest impressions of his son, relative to America, and indicate the motives of his conduct from any misrepresentation. The Duke de Liancourt Rochefoucault would therein find what incited the Lieutenant-General to prefer the Lieutenant Government of Upper Canada to any other object that might be fairly supposed to be in his reach. The events of the American War have not annihilated the essential interests of Great Britain and the United States."

[Letter to Lord Barrington.]

"Si barbarorum est, in diem vivere, nostra consilia sempiternum tempus spectare debent."

"TULL. CICERO."

"My Lord!

"I will not offer to apologize for the trouble given you in reading this paper, because I have experience that any sketch presented to your Lordship for the public service, will meet with a favorable reception; in the subsequent observations, therefore, if the principles should be erroneous, or the means ill-proportioned, your Lordship, I trust, will pardon the mistakes, because the end is just. It appears to me, my Lord, that the french Government has, until lately, given but an imperfect attention to their North American Settlements, and whilst it has projected claims to the universal, by a parsimonious conduct, has neglected to establish, solidly, a partial Dominion there. But french genius and industry has tempered these errors, the discoveries and representations of their Missionaries have opened their ears; the lucrative fishery and reduction of Louisbourg have opened their eyes. This capture is, or might have been, of the same Service to them, as the late rebellion in Scotland was to this nation: past errors were seen, favorable occasions given to correct abuses, and to prevent future evils. When the disparity of numbers in North America is considered, the French about 50,000, the English near 2,000,000, we are surprized that a frenchman there dares open his house unless with obeisance, but when he lifts his hand and strikes, from Carolina to Nova Scotia, it seems portentous.

"Numbers, however, avail not without counsel and valour; the astonishment ceases on a nearer survey, and we easily discern the balance more than restored by the difference of genius, manners, pursuits, situation, and government of these people. The English are of a commercial, the French of a military disposition; the latter enterprizing, restless, subtle, active, and ambitious; the former sedentary, softened, fond of quiet and lucre: the force of one strengthened by the union

and harmony of its parts, animated and directed to an invariable point by one government; that of the other broken and dissipated by a variety of distinct governments, habits, views, and humours: the English negligent and unskilful in applying to the passions of the Indians, and in anglicising them; the French of ready address, and incessant application in their management, the more dangerous and difficult to guard against, as the young are tutored, and the sanguinary disposition of the old flattered into horrid acts of treachery and massacre, as pleasing to the Deity and becoming manhood.

"Hence we see the French insulting everywhere with an evident superiority; the English everywhere invaded, defenceless, impotent even to the perception and contempt of the Indians. Whoever remembers the american brigade in the West Indies, will readily discern the mistake of those who judge the american english fitted for military purposes, without the exercise of some painful campaigns; and if they took Louisbrough, that event was less owing to the material qualities and skill of the besiegers, than to the unparalleled bad behaviour of the besieged, however, the circumstances of those times might gloss the capture.

"These are some, but not the principal reasons, which led me, my Lord, to think the expedition to Virginia not entirely proportioned to its end, if that was to secure to us an advantageous termination to the disputes subsisting between the two Crowns, and to stop the french progress on that continent.

"France from her extent, populousness, and the genius of her people, will be able to pour in ten men to our one, in support of her American pretensions and designs, if the war should last fifty years. In the plan of operations, the first expedient then, which naturally presents itself, is that of cutting off all communication between Old and New France; this the seizure of Quebec will only effect, and at the same instant it will break the french force in Canada—when the spring is diverted or cut off, the river must dry up. Such is the position of Quebec, that it is absolutely the Key of french America, and our possession of it would forever lock out every Frenchman, be the signal of revolt to the Indians, ever determined by success, and probably to a majority of the canadian french, fond of liberty.

"Montreal must fall the same campaign, and Louisbrough, with every stronghold depending on them for subsistence, and all french Canada will necessarily follow their fate. Such is the happy situation of Quebec, or rather of Montreal to which Quebec is the citadel, that, with the assistance of a few sluices, it would become the center of communication between the Gulph of Mexico and Hudson's Bay, between the Atlantic and Pacific Oceans, by an interior navigation formed for drawing to itself the wealth and strength of the vast interjacent countries; the commerce of Europe, Africa, South America, and Asia, by a quick and easy exterior navigation, and advantageously placed, if not destined, to lay the foundation of the most potent and best connected Empire that ever awed the world.

"Its utility to France will arise from a most rapid and independent commerce, well supplying the want or extinction of all other, since its territories from north to south do, or will with a little industry and ministerial address, produce whatever characterizes the growth and manufacture of every country. What most immediately imports us is the monopoly of furs, with their fabricature; and the vast fishery in and about the River St. Lawrence, at once an inexhaustible mine of wealth, and seminary of hardy seamen. These advantages show the perpetual and mighty resources which Canada alone, in the possession of France, will furnish, in constituting a naval power, to our most dangerous rival. A political necessity will determine this nation, and the insidious practices of France will frequently favour us with pretexts, to destroy, at intervals, their fleets, thereby to preserve our naval superiority, on which our all depends; for, however exalted be the bravery, or happy the conduct of our officers, a reverence for truth obliges me to say that in neither are the french inferior; their military knowledge is incomparably greater, and well exercised; and none, or few, are the instances where we have gained victory when the force was equal. But, my Lord, the temporary expedient of destroying their fleet will be but lopping off the Hydra's head, whilst the fishery of Canada, that noble nursery of seamen, those excellent harbours, particularly Quebec, the best circumstanced in the world for building and docking ships, those deep rivers, crowned with immense forests of excellent oaks and pines, flax plantations, the best iron mines, and every naval requisite for pouring out new fleets, remain in the dominion of France.

"What hinders now, but want of common sense or honesty, the french ministry from seducing and settling in Canada (with recompences which, costing nothing, at once would enrich the country with inhabitants and their industry), all the naval artificers of Europe, to construct with materials at hand, and costing nothing for ages to come, a most formidable fleet on every exigency, and from making a continued naval arsenal from Cape Breton to Montreal?

"Our seizure of Canada would then undeniably, by this destruction of the vital source of their rising naval power, and by an immense accession to our own, give us the monopoly of the fur and fishery trades, open to us so many new and vast channels of Commerce as would take off our every possible Manufacture, especially of Woollen ["woollen" in the printed paper] and Linen whilst it poured in every growth and every material at so cheap a rate as would make us necessarily the mart of foreign exportation, and most amply compensate for even the extinction of all our other foreign trade of importation; a circumstance, in such a situation to be wished, as it would reunite and fortify all our colonists, and the exclusive possession of that continent will fill each ocean with British shipping, without depopulating this Country. Hence, my Lord, posterity will ever venerate Lord Bolingbroke's project of the conquest of Canada, as the wisest and most provident ever framed by british Ministers, and had the execution at

home and abroad been entrusted to men of equal zeal, of sufficient spirit and abilities, its benefit to this nation could no more have been estimated, than its detriment to France, which, at this hour, would have been in no condition to injure or molest us.

"Hence, my Lord, I, with anxiety, saw and spoke, particularly to my Lord Northumberland, in November last, of the efforts against french usurpation, purposed to be made on the Ohio, where nothing decisive may happen, but the advantages and disadvantages may reciprocally fluctuate, as long as the pass of Quebec is open to pour in fresh supplies of french troops.

"The conjuncture seemed favourable, and french invasion afforded the pretext of making an offensive instead of a defensive war, the different effects of which on the minds of the soldiery are well known, as is the greater facility in conducting the former, and its more numerous advantages.

"Such a war would probably have had an advantageous event, if, in the last autumn the fleet of England had been manned for action and the army sufficiently augmented to guard these kingdoms in all contingencies; if a strong squadron had blocked up or destroyed (if they had put to sea) the armament, which it was easy to foresee the french would push to support their pretensions in America; if another squadron, with the transports, etc., all sheathed, by previous feint orders sent to the Windward Islands, and provision made there, apparently destined to seize the neutral or french islands, had sailed in the beginning of March with 6,000 or 7,000 old troops, with some brigades of foreign engineers, and munitions for sieges, and on opening at sea their sealed orders had proceeded to besiege Quebec; if the independent companies and levies of the southern provinces of America had during winter assembled at a proper post in Pensylvania, formed magazines, levelled the roads, and made all apparent preparation for acting on the Ohio in the spring; if a corps of 6,000 men had been raised and regimented under british officers in New York and New England, and desultory ["delusory" in the print] measures taken for their joining, the troops in Pensylvania; if 200 or 300 shipwrights had been sent to the fort on the Lake Ontario, as a reinforcement of the Garrison, but secretly to collect and build as many sloops and boats as possible; if a few indian companies of irregulars, under their own officers, had been entertained to attend these two bodies; if the Governor of New England, solely trusted with the secret, had privately collected provisions, munitions, etc., during winter, at Boston; and in March had transported 2,000 of the new raised troops to Nova Scotia, under pretext of acting offensively there, but in reality to relieve the old Regiments; if, in April, the Governor of New York had assembled the Militia, Indians, etc., at Albany, and made feigned dispositions for attacking Crown Point and at the same time the Governor of New England had assembled the troops, etc., at Boston, embarked or marched them, as most convenient, the beginning of May, under pretext of attacking

Chignecto, stopping, however, at the River Kennebeck, where the Nova Scotia old Regiments should have joined them, and together have marched to Fort Halifax, entrenched strongly, and established their grand magazine; if the troops in Pennsylvania, whose early rendezvous and preparations would naturally have drawn most of the french troops from Quebec and Montreal, had begun to move in May, and after some feints, had suddenly, and by forced marches, filed off and seized the petty fort at Niagara, entrenched strongly, have seized immediately and built armed vessels, and scoured the Lake Erie, whilst some provincial seamen had done the same on the Lake Ontario, and kept open the communication between Niagara and the fort on the Lake Ontario; this enterprize, well conducted, would necessarily cut off the retreat of the French at the Ohio and moulder them away by famine and desertion.

"The different provisions and motions, feigned and real, made at Boston, New York, Pennsylvania and Nova Scotia, with other attentions dictated by a just knowledge of the country and a proper use of the Indians, would conceal the real design, whilst they corresponded with its execution and by drawing the attention of the French Governor everywhere, incapacitate him from acting efficaciously anywhere.

"On the arrival of the fleet at Quebec, or in the middle of May, the troops should march from Fort Halifax and join the forces in carrying on a vigorous siege.

"Quebec, necessarily reduced and garrisoned with some New England and some old troops, the army should immediately proceed to Montreal, the reduction of which must necessarily be attended by the surrender of all other posts, as from the two former they draw their whole subsistence and munitions.

"The blow, my Lord, would have been bold, but with these provisions, no less easy than decisive in our favor, and mortal to the French, and in the rupture consequent to this stroke, the *coup de grace* be effectually given by a firm adherence to and vigorous prosecution of a naval war in all seas, soon extirpating the french naval power and commerce, and exhausting and weakening, to a great degree, her natural wealth and strength.

"France might probably act, as if she thought our weak part to lie on the european continent, and attempt to distress or divert us from the prosecution of our natural interest and use of our natural strength by an attack on our allies.

"I presume not, my Lord, to know the nature or reason or extent of our connections there; but it becomes a nation as a private person, to be tenacious of its engagements, and these might probably be well answered by our money and the force of our fleets so far as they could be useful.

"The Germanic body might not suffer, for its own sake, any of its members, or the Dutch to be long a spoil to the French: means might arise to make Prussia an acting friend; and probably Spain be induced to co-operate with us, on the terms of covering with our fleet any body of troops sent to reunite, which they are thought to have at heart,

Hispaniola to their Crown; an island of signal detriment to us in the hands of the industrious Frenchman, but of no consequence in the possession of the lazy Spaniard. The cession of the neutral Islands, or whatever France might take in the West Indies or Mediterranean, would be an easy purchase for Canada. At all events England has often taken glorious care of herself, when Scotland and Wales have been in the Enemy's scale, and could do so again, maugre the efforts of France and all her allies, whatever their malice might be, their power to hurt would soon sink never to rise more, by the loss of Canada and the destruction of their shipping.

"Your Lordship may ask why I mention not the Mississippi Colony and inlet; perhaps it would be expedient to take no further notice of them more than to prevent any considerable reinforcement from being sent thither, but not to seize them for two reasons; the first is, that no present umbrage might be given the Spaniard by so near a neighbourhood in the Mexican Gulph; the second is, that the few Inhabitants who survive their migration thither, might be permitted to open, plant, and render healthful that Country, and make it more worth capture, inevitable whenever we pleased, for the same reasons that the Inhabitants of cold have ever and ever will conquer those of hot Climates.

"A good fort, or two, at the junction of the Ohio and the Mississippi Rivers, would be sufficient to stop the Mississippians from penetrating to the northward and north-westward.

"An objection to a plan of this tendency may arise, my Lord, from the projects of independency, which a consciousness of growing strength and the annihilation of french power might give birth to, in our american colonies, and, therefore, a balance of power between the two people there might be more advantageous to the two Crowns; but besides the moral impossibility of fixing such an equality of power, by no means the aim or end of the french, an upright and steady government will always have due weight with the bulk of a people whatever be the practices of some turbulent or ambitious spirits.

"The splitting of that empire into many distinct governments, the diversity of manners, customs, modes of religion, and interests too consequent to the difference of climates, provincial laws, products, and situation inland and maritime, will render a coalition of political views not easily practicable, but create jealousies and an indifference, or rather balance, to each other's projects.

"Twenty thousand regular troops, judiciously posted, and chiefly in the conquered provinces, would guard and command the whole Country. These troops, maintained as levied at the expence of America should be triennially relieved to prevent their acquisition of any natural interest there, and all considerable posts, civil, military and ecclesiastical be invariably filled by Persons of proportionate land property in Great Britain and Ireland. Such, with other precautionary provisions, the command of the Sea, and the physical dependence, at least for many ages, that continent, from its great inequalities of seasons, lakes, etc.,

must necessarily have on this Kingdom for its woollen manufactures, would very solidly establish british dominion. Perhaps the erection of Canada into a Kingdom for Prince Edward would for ages answer that purpose, as well as be a greater, more rational and permanent accession of strength to this Kingdom and its Royal Family, than the wearing of so many crowns by the house of Bourbon, in different parts of Europe, can possibly be to that family or to France.

"But, supposing this independent spirit, in future times, to take place; the Provinces will always be glad to receive, and this nation strong enough to impose, as their head a younger son of the Royal Family; and certainly the union between two people of the same blood, religion, polity, language, laws, humour, and genius, under the same family, would be infinitely more strongly cemented and complicated than the union of states and kingdoms, dissimilar in almost each request, [respect?] nursed in and distinguished by national prejudices, can be under the dominion or influence of the Bourbon or any other family, or the combination of any conjunctures can form.

"But, my Lord, if the advantage will not allure, necessity ought, and I have, I hope, will impell us to conquer Canada; the pretensions of the French to that whole continent, though temporarily dissembled by their government, are constant and avowed by the people; and the hopes and aim of both invariably terminate in its reduction.

Their own histories of New France are histories of continued schemes, plots, enterprizes, and machinations, ministerial and private, in peace and war, concerted for the accomplishment of this great event and to facilitate which, perjuries, poisons, murders are, with them, lawful means. If Canada remains in the hands of the French they will equally, from the operation of their good and bad qualities, from the nature of things, arrive at this supreme sovereignty; and the english colonies experience the same fate which the Grecian Colonies, on the coast of Asia, underwent from the Grand Monarch of Asia; fall a prey to the grand monarch of American France: nor are the circumstances dissimilar, but in favour of the French, excepting numbers, which every day will improve. The very political independency of the provinces on each other, will quicken their dependence on the french, and the whole power and wealth of the continent become that of the foe, and be turned against Great Britain.

"Your Lordship will readily conclude that I am one of those who wish the late armament from Brest had not been permitted to sail, or to have been destroyed if they had sailed; I fervently wished it; I shall be extremely happy if I am mistaken in my belief that the arrival of that armament in Canada will be eventually productive of great mischief, unless timely redressed by a furious attack of Quebec.

"Although that reinforcement, so much wanted there, and which the french, knowing their weak part, resolved to send at all hazards, will render its reduction more difficult; yet more troops, great address in the preparation, and great resolution in the execution, which a good General

knows how to inspire, will surmount the difficulty. Whatever the capture costs of men and money the expence of both will be small to that of a defensive war and precautionary provisions, which may have little intermission, and no end, until the French be formally and really masters of that continent. The acquisition will be to us a temporary expence, instantly repaid by the fur trade and fishery; the benefit perpetual: but in the hands of the French, their american power will soon grow so strong, and take such an extended and deep root, to which a defensive war will not a little contribute, that it will prove the severest thorn in the sides of England, to extract which, millions in vain may hereafter be expended.

"I just beg leave to say a word of the navigation of the river St. Lawrence: it appears, through all the affected obscurity of the french voyage writers, and the horror which former miscarriages and ignorance has thrown on it, to be safe, though sometimes tedious; the mystery consists in timeing the Voyage and keeping the southern coast aboard, from Cape Rozier to Quebec, with due respect to some intervening shallows and islands.

"If any suggestions of mine could contribute towards a system of operations for this or any other enterprize your Lordship will always very heartily command me, as the country will my service; and if anything here said appears interesting, Your Lordship will do me particular favor in communicating it to my Lord Halifax ["Hallifax" in the print] to whom I have not the honor of being known. Your Lordship will have the goodness to consider it as flowing from a heart fervently attached to the public service, and your favorable acceptance of it may hereafter induce me to lay before Your Lordship a plan, which, in the course of some military essays occurred to me for the establishment of a marine corps, whose service, in peace and war, might possibly give satisfaction to Prince and people; certainly would be more useful than the marines now raising, who, I humbly apprehend, cannot in their present form be good soldiers, nor in any form good seamen, whatever to the contrary may be expected."

"I am, my Lord, etc.,

"J. SIMCOE."

"Lord Barrington, 1st June, 1755."

Note by Sir David William Smith.—These papers of General Simcoe's were printed in 1799, by Trewmans, Exeter.

Additional Note.—Sir David's copy is bound in his volume containing the Proceedings of the House of Assembly, U. C., 1801, and the House of Assembly, L. C., February 20 to May 11, 1798 (38 Geo. III.); this volume is owned by and in the possession of Prof. J. W. Bain, of the University of Toronto. The publication is a square quarto of 18 pages: Smith's manuscript copy follows it closely—I have noted all the differences except in capitalization. In the print our present method of capitalizing gentile adjectives and writing common nouns with a small letter has been followed: Smith's method is followed in this reprint.

ADDITIONAL NOTES

BY

MR. JUSTICE RIDDELL.*

La Rochefoucault, having visited this Continent under the circumstances mentioned in the Introduction (p. 4), met Hammond,¹ the British Plenipotentiary to the United States, and was invited by him to visit Canada. The Governor-General of Canada at that time was the famous Guy Carleton, Lord Dorchester,² and the Lieutenant-Governor of Upper Canada, Colonel John Graves Simcoe.³

France had never sincerely acquiesced in her expulsion from the northern part of North America. Genet,⁴ the French Ambassador at Philadelphia, then the seat of government in the United States, had constantly intrigued against the continuance of British rule in Canada. To so great a length did his pernicious activity proceed that Washington was forced to demand his recall. He was succeeded in 1794 by Fauchet,⁵ who did not act quite so openly, but did not omit any opportunity secretly to advance the wish of his country to be reinstated in North America. Adet,⁶ who followed Fauchet after this time, was almost as open as Genet; he did not hesitate to send agents into Canada to stir up the habitants to rebellion, one of whom, David McLane,⁷ was convicted of high treason and suffered the horrible penalty for that crime at Quebec in July, 1797.

A considerable proportion of the American people looked with favour on these movements; and the British Governors of Canada were forced to exercise great precaution in respect of these admitted into Canada from the United States. Accordingly Dorchester, in October, 1794, issued specific orders that no foreigner was to enter Lower Canada without his express permission—it was no secret that this was due to the conduct of certain French agents.

Mr. Hammond seems to have thought that his recommendation would be all-powerful. Whether it be the fact (as La Rochefoucault says Hammond told him) that Lord Dorchester had requested him to take it upon himself to grant passports for Lower Canada or not, he certainly acted as though such request had been made. He wrote Dorchester and Simcoe that La Rochefoucault was about to go to Canada, and recommended him to their favourable attention, at the same time assuring the Frenchman that he would have no trouble in entering or remaining in Canada.

On Sunday, June 20th, 1795, he entered Upper Canada, crossing the Niagara at Fort Erie in an English boat, his friend Guillemard⁸

* For references, see pages 172, sqq.

having preceded him the previous evening. With him were two Frenchmen, Dupetit-Thouars⁹ and de Blacon,¹⁰ but his guide the Canadian Poudrit¹¹ does not seem to have come farther than the American bank of the river.

[381.] The strictures of Smith on the alleged mistakes in calling "a small armed vessel," "an English frigate," and the captain commanding a company, a Governor, are uncalled for. The fault, if any, is that of the translator. Much more valuable is the statement made as to the issue of paper money by private individuals and Smith's confident assertion that this was never depreciated in value. The care taken against fraudulent notes is worthy of note, and indicates the paternal government of the time. La Rochefoucault was hospitably entertained by Captain (Brevet-major) Pratt¹² of the 5th Regiment of Foot, commanding at Fort Erie, and sent by him [388] in care of Lieutenant Faulkner of the same Regiment on a government ship to Chippawa. There he was received with all due respect and courtesy by Captain Hamilton,¹³ commandant of that post [389].

The Falls of Niagara were visited, and a vivid description is given of them and of the whirlpool. Saw and grist mills [398] above the Falls are an object of curiosity, and the traveller does not omit to mention the amount of toll taken by the miller.

The very singular and often-mentioned sulphur spring at that point is also described [399].

The translator makes a curious error in mistaking Newark for New York [400]. The "misnomer" was not the fault of the Duke or his French printer.

Queen's Town, Queenstown, now Queenston, is reached June 22nd [402], the chief object of interest at which is the "very fine house built in English style" of "Mr. Hamilton, an opulent merchant." This was, of course, the Hon. Robert Hamilton, M.L.C.¹⁴ Mrs. Simcoe¹⁵ in her Diary says, under date Monday, July 30th, 1792: "Mr. Hamilton has a very good stone house, the back rooms overlooking on the river. A gallery, the length of the house, is a delightful covered walk both below and above, in all weather." "The Diary of Mrs. John Graves Simcoe," p. 127. Col. Simcoe sent Major Littlehales¹⁶ (who Smith is careful to tell us was not his Adjutant but his Major of Brigade) to invite the party to dinner. After dinner he invited them to remain with him and consider themselves at home. The invitation was gladly accepted [403]. Mrs. Simcoe does not seem to have been favourably impressed with the visitors. She writes under date Monday, June 22nd, 1795: "The Duke de Liancourt arrived strongly recommended by the Duke of Portland, Mr. Hammond, etc.; therefore General Simcoe is obliged to pay every attention to him. He is attended by Mr. Gilmard, an Englishman, a French naval officer named Dupetit-Thouars, and M. de Blacons. Their appearance is perfectly democratic and dirty." Wednesday, 24th: "Monsr. Blacons returns immediately to the United States, where I hear he keeps a shop. Monsr. Dupetit-Thouars and Gilmard are going

to visit York." Monday, 29th: "The Governor took the Duke de Liancourt to see Forty-mile Creek. I dislike them all." Thursday, July 2nd: "The Governor returned . . ."

For the first time now, the Duke was made aware of Dorchester's orders of the previous October, and though he approved of these to the fullest extent as wise measures of precaution tending to avert a revolution, he was no little annoyed at Hammond for misleading him. However, he made the best of the situation and applied to Dorchester for a permit to enter Lower Canada, asking that an answer might be sent to Kingston [404].

A statement made by the Duke vigorously contradicted by Smith should be noticed. After saying that the two Provinces have a representative form of government, he makes the statement: "All the springs of this political machine are yet in the hands of the Governor-General." Smith says "the Government have not the power or influence to return one member to the House of Assembly to either Province"; and again, "the Government have not the power of bringing in any one member." The Frenchman was nearer to the truth than the Anglo-Canadian. The power of the Governor was such that except in times of great excitement, he could be almost certain to have a member returned whose election he sought. It is well known, for example, that Simcoe procured the election of Attorney-General John White, a complete stranger in the Province, as member of the first House of Assembly in 1792. See note^a post.

The translator does his author grave injustice in his pretended translation of La Rochefoucault's account of the "new Constitution of Canada" [408]. Smith's animadversions should have been directed against the translator not the author.

"The new Constitution of Canada" was given by the Canada Act, which caused the rupture between Fox and Burke, (1791), 31 George III, cap. 31. It may be well here to note its real provisions.

Sec. 1 repeals much of the Quebec Act (1774), 14 Geo. III, cap. 83.

Sec. 2 provides for a Legislative Council and an Assembly in each of the Provinces of Upper Canada and Lower Canada, with power to pass legislation valid when assented to by the Sovereign or the Governor or Lieutenant-Governor appointed by the Sovereign.

(Sections 3 to 12, inclusive, contain the provisions as to the Legislative Council.)

Sec. 3 gives power to the Sovereign to direct by Sign Manual the Governor, etc., to summon to the Legislative Council such persons not less than seven or more than fifteen as should be selected by the Sovereign.

Sec. 4 provides that no one shall be summoned to the Legislative Council under twenty-one years of age or not a British subject by birth, naturalization or conquest.

Sec. 5 makes the position of Legislative Councillor for life, subject to vacation in cases thereafter mentioned.

Sec. 6 empowers the Sovereign to annex to any hereditary title of honour in the Province, the hereditary right to sit in the Legislative Council. (This was, of course, by analogy to the House of Lords in the mother country; the power has never been exercised.)

Sec. 7 provides for forfeiture of this hereditary right.

Sec. 8 for loss of seat in the Legislative Council in certain specified cases.

Sec. 9 protects hereditary rights in certain cases of loss of seat.

Sec. 10 declares all seats and all hereditary forfeited for treason.

Sec. 11 provides for determining contested rights to seats.

Sec. 12—The Governor, etc., is to appoint the Speaker.

(Sections 13 to 25 inclusive contain the provisions as to the Legislative Assembly.)

Sec. 13 empowers the Sovereign to direct the Governor, etc., to call together an Assembly.

Sec. 14—And to divide the Province into Ridings, appoint Returning Officers, etc., for an Election.

Sec. 15—The R.O.'s to hold office for not more than two years from the commencement of the Act.

Sec. 16—No one to be compelled to be R.O. more than once.

Sec. 17—The whole number of representatives not to be less than sixteen in Upper Canada or less than fifty in Lower Canada.

Secs. 18 and 19 prescribe the Writs for Election and the Return.

Sec. 20—The electorate to consist of those owning land worth not less than 40s. (Sterling) per annum in country districts; in towns £5 (Sterling), or paying rent not less than £10 (Sterling).

Sec. 21 prohibits Ministers, Priests, Ecclesiastics and Teachers of any Church, or form of religious faith or worship from sitting in the Assembly. (This provision afterwards proved troublesome to the Methodists—some of their Local Preachers were compelled to vacate the seats in the Assembly to which they had been elected.)

Sec. 22—None under twenty-one or not a British subject to be allowed to vote or be elected.

Sec. 23—And no one attainted of treason or felony.

Sec. 24—An oath for voters is provided.

Sec. 25—Eight days' notice of the time of election to be given.

Sec. 26—And due notice of the sitting of Parliament.

Sec. 27—Parliament to be called together at least once every twelve months.

Sec. 28.—All questions to be decided by a majority of votes, the Speaker of Council or Assembly to have a casting voice.

Sec. 29.—Oath for Members of Council and Assembly.

Sec. 30—The Governor, etc., authorized to withhold assent to legislation or to reserve for His Majesty's consideration.

Sec. 31—The Governor, etc., to transmit to the Secretary of State all Bills assented to; these may be disallowed by His Majesty in Council any time within two years of their receipt.

Sec. 32—Bills reserved for His Majesty's pleasure not to have any effect until approval communicated to Council and Assembly.

Sec. 33—Laws in force at the passing of the Act to continue in force until repealed.

Sec. 34—The Governor, etc., "with such Executive Council as shall be appointed by His Majesty for the affairs of such Province" to be a Court of Appeal. (This, curiously enough, is the only mention of an Executive Council in the Act except in Secs. 38 and 50. Troubles over the Executive Council, its functions, power and responsibility soon developed and continued till after the Rebellion of 1837.)

Sec. 35—Certain previous regulations, etc., in respect of the Roman Catholic clergy to continue in force.

Secs. 36 and 37—For the support, etc., "of a Protestant Clergy," land to be allotted "equal in value to the seventh part" of lands "granted by and under the authority of His Majesty."

(The celebrated Clergy Reserves of one-eighth of the ungranted lands of the Crown, not one-seventh as ordinarily supposed, since the Reserve was to be one-seventh of the land granted, i.e., one-eighth of the whole. What was "a Protestant Clergy" was soon in dispute. The Church of England claimed a monopoly of the title, but on the advice of the Law Officers of the Home Government, the Church of Scotland had its claim allowed as being an Established Church, and as Protestant as the Church of England. Other and Nonconformist Presbyterians, Methodists, and some other religious bodies which believed themselves to be Protestant Churches and to have a Protestant Clergy then advanced claims, which were more or less assented to. At length, after being for years a constant source of irritation and contention, the "Clergy Reserves" remaining were applied to education purposes.)

Sec. 38—The Governor, with the advice of the Executive Council, might erect Parsonages and endow them for the Church of England,

Sec. 39—And appoint incumbents,

Sec. 40—Subject to the rights of institution, etc., of the Bishop of Nova Scotia.

Sec. 41—The provisions of Secs. 36 to 40, inclusive, to be subject to repeal or variation by the Provincial Parliament.

Sec. 42.—Certain Acts to be laid before the Imperial Parliament before receiving the Royal Assent.

Sec. 43—Land in Upper Canada to be granted in free and common socage.

Sec. 44.—Existing grantees there may surrender their grants and receive new ones in free and common socage.

Sec. 45—These new grants not to bar any existing right.

Sec. 46—The Imperial Parliament not to levy any tax, etc., except for the regulation of navigation, etc.

Sec. 47—All taxes levied for navigation, etc., to be applied to the use of the Province.

Sec. 48—Act to begin not later than Dec. 31st, 1791.

Sec. 49—Provincial Elections not later than Dec. 31st, 1792.

Sec. 50—In the interim, Governor and Executive Council may make temporary laws, regulations, etc.

It will be seen that while there may fairly be said to have been legislative power granted to Parliament, all executive power remained in the Governor, and neither he nor his Council was responsible to Parliament. Representative legislation there might be, but not Representative or Responsible government. The Point au Boudet mentioned in the translator's note * [407] is in the original Proclamation of Sept. 12th, 1791, Baudet, and is often spelled Bodet.

The Dr. Morse referred to in note † [407] and in note * [382] is Jedidiah Morse the geographer. On p. 474 of his Geography he bounds Canada "North by New Britain, east by the Bay of St. Lawrence, south by Nova Scotia" and the United States, west by unknown lands." Of the population he says, "In 1784 a census of the inhabitants of the Province of Quebec was taken by order of Governor Haldimand, when they amounted to 113,012 English and French, exclusive of the Loyalists who have lately settled in the upper parts of the Province to the number, it is said, of 10,000" (p. 474).

[410.] The mistake of La Rochefoucault in supposing that Simcoe intended York (Toronto) to be the capital of Upper Canada is dealt with in Simcoe's letter to Phillips (p. 136, ante)—Simcoe always intended London to be the political capital.

In the translator's note † York is made N. by W., instead of N. by E. from Newark.

[411.] La Rochefoucault calls what is now known as the Grand River, "la grande rivière." The translator calls this "the Miami or Great River," then misunderstands his author and makes him say that the Thames is not far distant from this river. What La Rochefoucault says is, "This, whose source between Lakes Huron and Ontario not yet precisely known does not seem to be far from that of 'la grande rivière,' flows from the north toward the west a course of four or five (hundred) miles and empties into Lake St. Clair" (the word "cents" is omitted by a clear printer's mistake, faithfully followed by the translator). Smith castigates the Duke for the fault of Neumann, who makes precisely the same mistake of interpolation and mistranslation [449] with the same effect (or worse) upon Smith.

[413.] The hope entertained by Simcoe of drawing settlers from New Brunswick was not wholly vain. Many valuable immigrants (chiefly of United Empire Loyalist stock) came to Upper Canada—not that they could not endure the climate of that country (en trouvent le climat insupportable) perhaps, but for other reasons. It is possible that the immigration to Upper Canada in the same year as Simcoe's own arrival, of Christopher Robinson, the father of Chief Justice Robinson (who came by way of Lower Canada from New Brunswick), may have had something to do with these hopes.

[415.] The vast quantities of sturgeon then in Lake Ontario affording the means of rivalling Russia in the supply of caviare, should

be noticed. This fish is now almost unknown in Lake Ontario, and it seems destined to the same fate in the Lake of the Woods and some other Canadian waters. "'Tis true 'tis pity, and pity 'tis 'tis true."

[419.] Simcoe foresaw the Trent Valley Canal, only now approaching completion, giving direct communication between Lake Huron and the St. Lawrence River, "par la baie de Quenti." The last five words the translator omits for no apparent reason. The original does not contain these words later when speaking of the "communication between Lake Huron and Lake Ontario."

The plan of Simcoe to build "galères, galiotes à bombes, chaloupes—canonnières," at Chatham, take them down the Thames, up through Lake St. Clair and River St. Clair to Lake Huron, and thence by a canal to the Bay of Quinté and Lake Ontario is at least curious and interesting.

[421.] The translator more than once (as here) mistakes "lieues" for "milles"—probably in this instance from the occurrence of the word "mille" immediately before.

[423.] The mistake made by the traveller as to the power of Justices of the Peace to "assign" lands (donner . . . un lot de deux cents acres de terre) is corrected by Smith. The mistake is a venial one. The members of the Land Boards were all or nearly all Justices of the Peace, and their power was very great. It is not to be expected that a foreigner could distinguish between Justices sitting in the Quarter Sessions and on the Land Board.

The proceedings of these Land Boards have been printed by the Ontario Archives and will be found interesting reading.

The description given of the free grants of land in the translation is involved. What is meant is that while locatees are allowed to enter on and use the lands at once, they do not receive their patents promptly. The time during which they have not the legal title is more or less prolonged according to the will of the Council. So far as La Rochefoucault knows they do not receive before patent, the usual rights of property in the land, etc., etc. His view of the law as law is perfectly right: Smith tells us that the rigour of the law was not exacted "where the necessary improvement was made within the prescribed time or unless some trick was attempted on the Government in the true spirit of American land-jobbing." It will be seen what chances there remained of injustice, and that Smith's account of the common practice is no answer to La Rochefoucault's criticism of the law.

[426.] The North River, "la rivière du Nord" is the Hudson, so called by the Dutch of Manhattan in contradistinction to the Delaware which was regarded as the Southern boundary of the Dutch colony.

[427.] By Jay's Treaty, 1794, British subjects were at liberty to remain in Detroit after it was given up to the Americans. If they did so they were required to declare their intention to remain British subjects, and if they failed to do so within a year after the rendition of the place they were regarded as having chosen to become citizens of the United States. As Smith says, "The principal merchants who were settled in

Detroit did remove from the American to the British side" ("and," I add, "many who were not merchants"). Moreover, many of those who remained on the other shore registered their intention to remain British subjects. A list of over 120 names is to be found in Vol. 8 of the Michigan Pioneer Collections, pp. 410, 411. La Rochefoucault being then almost "a man without a country," although he records his great love for France, could not estimate at its proper value the intense love of the British for their own institutions. The same want of appreciation of the strong British feeling of Canadians has been manifested time and again by Americans—but a very small percentage of them even to-day have any conception of its power—the elemental and ineradicable determination of the Canadian to remain British.

[423.] The alleged hatred of Simcoe for the United States may be left to Simcoe himself to meet, as he does in his letter to Phillips (Note, p. 135, ante.) That he desired war with the United States is probably untrue; that he expected it and prepared for it is certain. But every other resident of Canada expected it also. The insensate hatred of Britain which characterized no small part of the American people made it certain (once Washington's hand was removed) that whenever it was thought success was assured, an attack would be made upon Canada. Upper Canada at least lived in daily apprehension of attack until at last it came in 1812.

The atrocious charge that Simcoe boasted of the number of houses he had fired during the Revolution he meets with spirit and truthfully.¹⁹ Smith's strictures are wholly called for; and it is difficult to account for La Rochefoucault writing as he did.

[431.] The description given of Mrs. Simcoe has drawn down on the Duke much condemnation by Smith and others. I confess I do not see anything discourteous or disrespectful in it, but *de gustibus non est disputandum*. That every one may judge for himself, I give the original French, Vol. II, p. 61:

"Madame Simcoë, femme de trente-six ans, est timide, a de l'esprit, est obligeante et bonne, parle peu, est occupée de ses devoirs de mère et de femme, qu'elle pousse jusqu'à être le secrétaire de confiance de son mari; son talent pour le dessein qu'elle applique au trace des cartes, lui donne aussi le moyen de lui être très-utile."

I have no doubt La Rochefoucault thought he was complimentary to Mrs. Simcoe, and I cannot see that he was not. Bearing in mind the existing conception of a woman's place and duties, the description seems to be that of a perfect wife and mother.

[431.] The translator has misunderstood what was said respecting taxes. What the Duke says is this, "Upper Canada pays no taxes to England. A duty upon wine, of fourpence per gallon on Madeira, twopence on other kinds, and a licence fee of thirty-six shillings, to which has been in 1793 added another of twenty shillings currency (\$4.00), are the only taxes levied in Upper Canada."

This is not quite accurate. Duties were levied upon brandy, rum, spirits, etc., under the Imperial Act of 1774, 14 George III, Cap. 88. And to these was added by the Parliament of Upper Canada in 1793, 33 George III, c. 10, the duty mentioned by La Rochefoucault of 4d. a gallon on wine the produce of the Island of Maderia, and 2d. a gallon on all other wine. The license fee required by Sec. 5 of the Imperial Act of 1774 from publicans of £1 16s. was increased by 20 shillings (this to continue to April 5th, 1797), by the Provincial Act of 1793, 33 George III, cap. 13.

In 1793 the Committee of Ways and Means in the Assembly reported in favour of a retail licence fee of £2, but finally the figure of 20 shillings, in addition to the £1 16s. of the Imperial Act, was agreed upon, the Receiver-General to be allowed to retain 3 per cent. of all money raised in this way."

Even at this early day there was a conflict between the Legislative Council, composed of men of the higher class, and the Assembly, the representative of the masses. The latter desired to place most of the duty upon imported wine; the former opposed this, and desired to raise most of the required revenue from the more democratic drinks and licence fees upon stills and taverns. The full story is yet to be told—when told it will prove amusing as well as interesting.

The money raised from the tax on wine and the additional licence fee was to be made into a fund for paying the salaries of the different officers of the Legislative Council and Assembly and the contingent expenses.

[432.] Halifax, Quebec or Canadian currency, in which a shilling was worth 20 cents, a pound \$4.00, remained in use till the middle of the 19th century. New York currency, in which a shilling (a York shilling or Yorker) was 12½ cents, a pound, \$2.50, was also known in many parts of Upper Canada quite as late.

[433.] What the translator calls "the High Court of Judicature" (the author "*la cour supérieure*") was "His Majesty's Court of King's Bench for the Province of Upper Canada," instituted in 1794 by the Act 34 George III, cap. 2. The three judges were the Chief Justice of Upper Canada and two Puisne Justices. At the time of La Rochefoucault's visit the position of Chief Justice was vacant, Osgoode having gone to Lower Canada in 1794 and Elmsley not being appointed till 1796. The Court was presided over by William Dummer Powell (afterwards, in 1816, C.J.), who was "assisted" from time to time by a layman appointed temporarily, with no advantage to the Court and apparently for no purpose but to give the appointee some "honest graft." (Peter Russell was the notorious sinner in this respect.) The translator interpolates "a Court of Chancery." There was no Court of Chancery in Upper Canada till 1837, when Robert Sympson Jameson, husband of the authoress, Mrs. Anna Jameson, became Vice-Chancellor. Moreover, a Court of Chancery has no jurisdiction in cases of testaments, etc. What the author says is, "The Governor, assisted by whom he pleases,

holds court for wills, intestacies, orphans, etc." This is not strictly accurate. The Statute of 1793, 33 George III, cap. 8, provided that the Governor should preside in a Court of Probate, that he might establish a Surrogate Court in each District, presided over by a Commissioner, with an appeal lying from each Surrogate Court to the Court of Probate. This system continued till 1858, when a system in substance the same as the present was introduced by the Statute 22 Vic., cap. 93.

[434.] John White was our first Attorney-General. He was killed in a duel by John Small, Clerk of the Executive Council, in 1800ⁿ. In early times offences against the person were much more leniently dealt with by judge and jury than offences against property. In the first criminal case in Upper Canada of which the report is extant, a coloured burglar was hanged.^m

"St. John's" is a mistranslation for "Saint John," and that a mistake for "New Johnstown." New Johnstown, now Cornwall, received its name from U. E. Loyalist settlers from the Mohawk Valley, and was called after Johnstown, the seat of Sir John Johnston in New York. By a proclamation in 1788 Lord Dorchester divided the territory afterwards to become Upper Canada into Lunenburg from the eastern limit of the Province to the mouth of the Gananoque River; Mecklenburg, west to the mouth of the Trent River; Nassau, west to the extreme projection of Long Point on Lake Erie, and Hesse, west of that. These roughly corresponded to the chief settlements of the Loyalists near Cornwall, Kingston, Niagara and Detroit.

In 1792 the Act of 32 George III, cap. 8, changed the names of these Districts to Eastern, Midland, Home and Western, and directed that the gaols and court houses should be placed at New Johnstown (Cornwall), Kingston, Newark (Niagara), and for the Western District "as near to the present court house as conveniently may be" (this was at L'Assomption, now Sandwich).

La Rochefoucault has wrongly written "Saint John" for "New Johnstown," and his translator has increased the error by writing "St. John's." St. John's was a town in Lower Canada; we shall come across another misunderstanding of the same kind.

It is not the case that the division of Upper Canada into counties was purely military; and the counties were nineteen in number, not twelve. Upper Canada was divided into counties by Royal Proclamation by Simcoe, July 16th, 1792. These were:

1 Glengarry, 2 Stormont, 3 Dundas, 4 Grenville, 5 Leeds, 6 Frontenac, 7 Ontario, 8 Addington, 9 Lennox, 10 Prince Edward, 11 Hastings, 12 Northumberland, 13 Durham, 14 York, 15 Lincoln, 16 Norfolk, 17 Suffolk, 18 Essex, and 19 Kent. "Ontario" was composed of the Islands in the St. Lawrence west of the Gananoque River—our present County of Ontario had at that time few if any permanent inhabitants.

La Rochefoucault and his translator between them have rather misstated the law. The Act of 1793, 33 George III, cap. 1, provided for the Governor appointing a Lieutenant for each County and Riding—

apparently to take the place in this Province of the Lord Lieutenant of English Counties. This Lieutenant had the chief command of the Militia within his County or Riding, and had a Deputy Lieutenant to be appointed by himself with the approval of the Governor. This was the officer the translator calls "second-lieutenant," but La Rochefoucault gives him his proper title, "député-lieutenant." There was a general meeting of the Militia of each County or Riding at least once a year on the 4th June; all males capable of bearing arms from 16 to 50 were enrolled in the Militia, a fine of 20 shillings (\$4) being imposed for neglect to be enrolled. For non-attendance at the annual review the fine was \$8 for a commissioned officer, \$2 for non-commissioned officer or man. The penalty for not turning out in time of war, rebellion or other pressing emergency was £50 (\$200) for a commissioned officer (with dismissal from the service and future incapacity) and £20 (\$80) for non-commissioned officer or man—in default of payment of fine, 6 to 12 months in the District gaol. A "Quaker, Menonist or Dunker" paid \$4 per annum in time of peace, \$20 in time of war, for his exemption.

The Act of 1794, 34 George III, cap. 7, is fairly represented in the French text and translation.

[437.] The gross and dangerous misrepresentations of the dealings of the government with the Indians are exposed and justly censured by Smith. But they are on a par with charges made then and till the war of 1812 by many Americans.

The "Goochland" remark refers to what the Duke writes concerning his reception at Goochland Court-House, Virginia (which he calls "Gooekland Court-House"). In Volume 5 of the French edition, p. 5, he says, "The day was Court day at Gooekland. . . . It was near nine o'clock p.m. when I arrived. . . . The company was about to break up. . . . By my manner of speaking English to the landlord, the company easily perceived that I was a Frenchman. Then all got off their horses, pulled me off mine, pressed me in their arms and exclaimed, 'You are a Frenchman. Well, you are our dear friend; we would all die for any Frenchman; we are all good republicans; we would kill all the English; that would be fine, wouldn't it? Oh, our friend, our dear friend.' And one said to another, 'He is a Frenchman, the dear good fellow is a Frenchman. Because you are French, you must drink some grog (boivez du grog) with us.' And they pressed round me, drew me this way and that, shook my hand, 'Say, what do you want us to do for you? You are our brother.'" He adds, "Their drunken enthusiasm was a little too tender, but I could not be displeased at it. I confess that it pleased me in fact." All this was followed by "une enorme terrine de grog," of which the unhappy Frenchman was forced to take his full share with toasts to the French, to France, to America, to Virginia and to La Fayette. It was with difficulty that he escaped a second bowl of grog; but he had to take in the sight of one of his American friends who had left to fight "another drunkard" and who returned to the company in full battle array, that is to say, stark naked, covered with blood from a blow that had torn away part of his ear and

another on the eye, "qu'il avait hors de la tête." The "gouger" was in evidence on that Court day at Goochland.

[442.] The description of the Tuscarora manner of painting the body remind one of the story told of Joseph Brant.

During his stay in London, it is said, attending a fancy-dress ball, he dressed himself, at the suggestion of Lord Moira, in the costume of his nation, the Mohawks; he wore no mask, but painted one half of his face. A Turkish diplomat gave him great attention; mistaking his red and black face for a domino, he pulled his nose, intending to remove the mask and have a look at the face beneath. Brant pretended to be greatly incensed, raised his terrifying war-whoop and brandished his tomahawk around the head of the trembling Turk. But friends came around, the joke was explained, and all was well.

[445.] A fairly good description of a lacrosse game.

[447.] Colonel John Butler²³ is one among many Loyalist soldiers venomously assailed by American writers and charged with all kinds of villainy during the Wars of the Revolution. La Rochefoucault seems to have been filled with such stories, and to have given them full credence. Hardly even now are these valorous and loyal men receiving justice.

[450.] Even in describing Brant's²² dress the translator cannot be faithful, and again Smith punishes the author for the other's fault—for it would seem that Brant did not wear knee-breeches, and was at least to that extent a sansculotte.

The treaty at Greenville followed Anthony Wayne's ("Mad Anthony") victory over the Indians at Maumee Rapids (Fallen Timbers). By this treaty a very large tract of territory was ceded to the United States.

This Treaty is spoken of in a despatch from Simcoe to the Duke of Portland, July 31, 1795. The Indian tribes are there stated to be "Wyandots, Delaware, Shawanoes, Ottawas, Chipewas, Potawatimes, Miamis, Eel River, Weeas and Kickapoos." (Can. Archives Report for 1891, p. 57.)

[451.] Why "L'Oiseau Noir," the nickname given by the Indians to Timothy Pickering²⁴ is translated "maize thief" I cannot say. Of course, the black bird, the crow, is a notorious maize thief, even if the blackbird (merle) is not. Pickering had as American Commissioner concluded a treaty with the Six Nation Indians in 1791. In 1793 he was a member of a Commission (the other two being John Randolph and Benjamin Lincoln) to treat with the Indians at Sandusky. Mrs. Simcoe notes in her Diary, Sunday, May 14th, 1793, that these Commissioners were entertained at the Governor's house at Newark, pending instructions from Philadelphia, the seat of Government of the United States. Their mission was not a success.

The only son²⁵ of the Governor, named "Tioga" by the Mohawks, was Francis Gwillim Simcoe, born at Wolford Lodge, Devonshire, England, June 9, 1791. His mother relates that though very shy and ungracious with all his own countrymen he was very friendly with the

Indians. When Simcoe determined to build a summer residence near York, he took up a lot of 200 acres for Francis on the River Don and built the residence there which in honour of his son he called "Castle Frank." The name still continues—the place is on the west side of the Don in the north part of the present City of Toronto, on a beautiful elevation, an ideal site for a residence.

Francis when a lad wished to become a sailor and his mother approved of the wish, but ultimately in 1811 he became Lieutenant in the 27th Foot, and was killed in battle at Badajoz in April of the following year, being not yet twenty-one.

[452, 3.] Colonel John Smith is accurately described as lieutenant-colonel in the fifth regiment. He never became colonel, but had the rank of lieutenant-colonel only. The colonel of the regiment at this time was Sir Alured Clarke, G.C.B., who, October 25th, 1794, succeeded Hon. Edward Stopford, who had ten years before succeeded Lord Percy (afterwards Duke of Northumberland).

The absurd story of Col. Smith clearing five thousand acres is justly corrected by his son. And the annoyance of that son (who laid it out) at the comparison of the garden with a French kitchen-garden is natural if amusing. Possibly the original French would have been less offensive, "*comme un potager français bien soigné.*"

The Slavery Act spoken of in the text is that of 1793, 33 George III, cap. 7, passed at the instance of Simcoe, the first Act of the kind in British territory ~~and the first except one in all the world—Denmark passed her legislation a few months before.~~ It prohibits the importation of slaves, forbids contracts of service for more than nine years, existing slaves in the Province remain such, but their children born after the Act became free at 25 years of age. This should be Simcoe's greatest title to fame; the Act could not have been passed but for his influence.

[457.] We have here an interesting contemporary account of the opening of a Session of Parliament. So far as is known, there is in existence no official report of the proceedings at that Session, those of 1795, 1796 and 1797 being lost.

The first Chief Justice, William Osgoode, had gone to Lower Canada in July, 1794, to become Chief Justice of that Province. His successor, John Elmsley, was not appointed November, 1796.

Smith's proposition that nearly all the members of the Assembly were in opposition, there being no such thing as a ministerial party, is interesting but illusory. There were always those who followed implicitly the wishes of the administration and those less subject to influence; it is, however, substantially true that there was not till later a well-defined party system.

[459.] Major Seward, of the 5th Foot, seems to be unknown to fame, but Robert Pilkington,²⁰ of the Royal Engineers, is mentioned more than once by Mrs. Simcoe. In September, 1793, he coasted the lake from Newark to York in two days; in March of the following year walked from Newark to York, and in May went to the Miami to

fortify the new fort which Simcoe built by order of Lord Dorchester. In February, 1796, he is mentioned as having waded across the entrance to Burlington Bay on his way from Niagara.

[460.] The four-day trip to Forty-mile Creek (Grimsby) is mentioned in Mrs. Simcoe's Diary, as we have seen. A picture of Green's house is given in Mr. Ross Robertson's book at p. 316.

I have not been successful in my efforts to find out more about Mr. Green; he is mentioned several times by Mrs. Simcoe.

[462.] La Rochefoucault says, "On y sème le bled et le seigle en Septembre," which is correctly translated, "Wheat and rye are sown in September," showing that the translator knew that "seigle" meant "rye." This makes it still more curious that he should have translated "froment," "rye" [587].

[465.] The regulations as to the practice of medicine and surgery at that time are to be found in the ordinance passed in 1788 in the old Province of Quebec. It was not till 1795 that the Province of Upper Canada passed its own Statute, 35 George III, cap. 1. At the time of this visit no person was allowed to practise without a licence from the Governor, which licence was to be granted without examination to all graduates of a British University and to all surgeons of the army or navy. All others were examined by a surgeon or surgeons appointed by the Governor.²⁷ But in the newer parts of the country this was to a great extent a dead letter. Anyone who pretended to medical knowledge practised without let or hindrance.

[470.] The Upper Canada Gazette, published at Newark, is not unfairly described in the text. There are still in existence Acts of the Legislature printed in 1793 by Louis Roy, Printer of the Gazette and Printer to His Majesty. These are very rare. The Sulpician Library in Montreal has the Statutes for 1792 and 1793 printed in 1793 by Louis Roy, which, so far as I know, is unique.²⁸

[471.] The animosity of the Canadian Loyalists toward their former country and countrymen was undoubtedly dying down. It probably would have entirely passed away in that or the succeeding generation but for the war of 1812—a wholly useless and resultless war.

[472.] The extent of the Clergy Reserves was not one-seventh of all the lands, but, as we have seen, one-eighth.

[473.] The translator had never seen a game of lacrosse, and did not understand what was meant. Speaking of the young men Rochefoucault says that they were sitting so far as there was room, "ou debout et reposés sur leur raquette," "or standing leaning on their crosse."

[476.] "Intermittent fevers"—fever and ague, caused by mosquitoes. These outlaws of creation were a pest; Mrs. Simcoe was tortured by them, and Gourlay twenty years later was sent to his bed by their stings. He says that it was this illness so caused which kept him in Canada beyond the few months originally intended. If that be true, all his troubles in and after 1819 were due to these insects.

[477.] The visit to York of Dupetit-Thouars and Guillemard is also recorded by Mrs. Simcoe.

The "Island" did not become an Island till the 50's, when a violent storm broke through the neck of the peninsula, forming the "Eastern Gap."

[478.] We must regret the bad "character" the original inhabitants of Toronto are said to have had. The Duke says, "*les habitants n'y sont pas, dit-on, de la meilleure espèce.*" And we shall have to let it go at that. But he is certainly wrong about "Batzy," "Baty," i.e., Berczy;²⁹ and one may be permitted to hope that he was in error as to *les autres habitants*.

[481.] The expectation that Canada would be severed from Great Britain has never wholly died out; "Manifest destiny" has been overworked. But never has the determination of Canadians to remain Britons been stronger, never their loyalty to their Empire more enthusiastic than now when Canada is giving up her best and her bravest to suffer and if need be to die in the world struggle for democracy and righteousness, the Armageddon, beside which all other so-called Armageddons are but as childish scuffling.

[482, 3.] But the Duke was a better prophet than his critic when he foresaw Spain's loss of Florida and Mexico and Portugal's of Brazil.

The commendation of Major Littlehales was well deserved—all that is known of him whether in Canada or elsewhere is most creditable.

[483.] The "Onondago," upon which the travellers embarked "pour aller à Kingston" (not "at Kingston," as the translator makes it), was a two-masted, square-rigged schooner (a copy of a drawing of her by Mrs. Simcoe is given on p. 211 of Mr. Ross Robertson's book).

[484.] M. (Ensign) Lemoine, "of the 60th Regiment," married Susannah, a daughter of Sir William Johnston and Molly Brant, sister of Joseph Brant, at St. Mark's Church, Niagara, June 5th, 1793.

The time of passage of the "Onondago" between Kingston and Newark varied, of course, with the weather. In May, 1793, she made the trip in twenty-two hours, in June, 1794, fifty hours, according to Mrs. Simcoe. (Diary, etc., pp. 162, 248.)

[487.] The Cadogan (also spelled Catogan) was a tress of hair held by a knot. The word was introduced into the French and English languages in the 18th century and is derived from the first Earl Cadogan, who died in 1726 (Murray, Littré).

[489.] Cadarakwe (the final letter generally with the acute accent) is another form of Cataragui.

[490.] It was a contemptible and ungentlemanly thing to do to disclose the petty "graft" (the word was then unknown, the thing is primeval and sempiternal) of poor Lieutenant Earl, but it cannot be said that Smith's excuse for the sailor is valid.

[498.] The mistake in writing "Queen's Bay" for "Bay of Quenty" is that of the translator—the French is clear, "*Dans la baie de Quenti.*"

"The middle district" is a translation of "district du Milieu," i.e., "the Midland District."

[502.] While there was in 1795 an Ursuline Convent in Quebec there was none in Montreal: the female orders then in Montreal were (1) Ladies of the Congregation de Notre-Dame; (2) Grey Nuns; and (3) "Les Soeurs Hospitalières de Saint-Joseph" in the Hotel-Dieu. (M. Fauteux.)

[503.] Another instance of carelessness on the part of the translator is found here, duly noticed by Smith as an error of the author.

[505.] "Mr. Steward" is, of course, the Reverend John Stuart, the first incumbent of the Church of England at Kingston.²⁹

[507.] The shameful treatment of Loyalists in the Mohawk Valley and elsewhere in the United States is a matter of history—it cannot be either denied or justified.

[508.] La Rochefoucault is certainly right in saying that surgeons in the Kingston district contrived to get well paid for their trouble. The first medical case (of which the record exists) that was tried at Kingston was in the summer of 1790. In that case James Connor, a Surgeon, charged £50 (\$200) for "cureing a broken leg," and it was sworn by a reputable medical man that he would charge £30 (\$120) at least for each fracture for reducing it alone, and for medicine extra. Another said that the charges depended on the circumstances of the patient, say from £2 (\$8) to 100 guineas (\$420) for this kind of a case. He himself would think 30 guineas (\$126) to be the right fee for the case. It was said but not proved that a Montreal Surgeon would charge £50 (\$200) for "cureing a broken leg"; and sworn that in Upper Canada the usual fee was £10 (\$40) to £70 (\$280), according to circumstances. With the purchasing price of money at least twice that of the present day it cannot be said that surgeons were not liberally paid—"ils font payer cher leurs soins"—vraiment.³¹

[510.] Governor John Parr was Lieutenant-Governor of Nova Scotia from 1782 till 1791, Novr. 25, dying in office at Halifax, in the 66th year of his age. "During his administration, which was upwards of nine years, the welfare and happiness of His Majesty's subjects was his invariable study and pursuit," said the official Gazette. He had been a Lieutenant at the Battle of Minden, and had risen to the rank of Colonel. He was said to be simple and parsimonious. "He has left us no indications of extraordinary ability, but seems to have been the very man to suit the time in which he acted being plain, simple and diligent."

It was during his governorship—that the extraordinary charges against two Justices of the Supreme Court were made by the Assembly, December, 1787. After an investigation by the Governor and his Council the two Justices, Deschamp and Brenton, "two old gentlemen . . . both highly respected and eminently loyal," were acquitted of wrongdoing. Upon this result being reported to the Assembly, 1788, that body approved the finding by a vote of 15 to 14. In 1790, thirteen articles of impeachment were laid against them and an enquiry with witnesses held by the Assembly in support. The impeachment was

directed to be heard and determined by the King in Council; in 1792 "the Committee of H. M. Privy Council before whom the charges exhibited by the House of Assembly against the assistant judges of the Supreme Court have been heard, have reported to H. M. that after a mature consideration of the subject, they cannot find any cause of censure against those gentlemen and consequently have fully acquitted them." The Report was approved and the matter dropped.

Murdoch's "History of Nova Scotia," Halifax, 1867, Vol. III, pp. 6, 60, 63, 66-72, 87-92, 97, 98, 101.

Of the son I can find no account.

[513.] The difficulties of Brock in getting the Militia to join him on his march against Detroit and other unpleasant experiences in the War of 1812, with laggard, recalcitrant and even disloyal Canadians, lend some colour to La Rochefoucault's idea that some of the immigrants from the United States "qui passent pour être loyalistes" would assist American invaders. Smith is right, however, in intimating that the Loyalists (proper, not simply those who passed for loyal) showed their firm attachment to British connection.

[518.] La Rochefoucault is wrong in supposing that it is the *betula lenta* which the Indians use for their canoes and wigwams—it is the *betula papyracea*. What the translator makes into a note is partly contained in the text, viz., that the wigwams were of the bark of the *betula lenta*. In that he is in error, but in his statement that the *betula lenta* is called by (some) French-Canadians "merisier," he is apparently right. "Merisier" (properly "a cherry tree") is applied to both the "bouleau élané" (bouleau blanc or bouleau à papier), properly the yellow but sometimes the paper birch, and the "bouleau rouge" (bouleau merisier), cherry, black or mahogany birch. The former is sometimes called "merisier blanc," the latter "merisier rouge." "Le Parler Populaire des Canadiens Français," by Dr. Dionne, Quebec, Laflamme & Proulx, 1909; Provencher "Flore Canadienne," Vol. II, pp. 547, 548.

For the use of the *betula papyracea*, see Provencher, "Flore Canadienne," Vol. II, p. 547; Moyen, "Cours de Botanique," p. 254; Lafitau, "Les Mœurs des Sauvages américains, comparés aux Mœurs des premiers Siècles," Paris, 1723 (12mo.), Vol. III, pp. 185 to 197. The last named author, Joseph François Lafitau (born at Bordeaux, 1670, died there 1740), was a Jesuit and for some years attached to the Jesuit missions in Canada. On his return to France he published a book on "la précieuse plante ging-sang de Tartare" (gensing), which he had found in Canada; also the work above spoken of (in two volumes 4to and four volumes 12mo), a history of Jean de Brienne, Emperor of Constantinople, and a history of Portuguese discoveries in the New World. He was very competent to speak of the habits of the Indians in Canada. He says that all the Indians used the canoe birch (i.e., the *betula papyracea*), with the exception of the Iroquois, who sometimes used the bark of the elm.

[519.] The Canadian or Indian rice is now called *zizania aquatica*; it is not an *oryza*. While *folle avoine* properly means wild oats (avéron, aveneron, *avena fatua*), the term was and (occasionally at least) still is by French-Canadians used as synonymous with *riz du Canada*, I am informed by Prof. Robitaille, Professor of Botany at Laval University, that this usage has fallen into desuetude—that now the French-Canadians apply the name “folle avoine” to the *avena fatua*. See Provencher, *Flore Canadienne*, Vol. II, p. 665; Moyen, “Cours de Botanique; p. 321, for the use of “folle avoine.” At the time of the early settlement of Quebec the wild oat was not known in Canada, and its French name “folle avoine” was given to our wild rice *zizania aquatica* not wholly unlike wild oats in the grain; but the true “folle avoine” was introduced from Europe and the name was applied indifferently to both. Now the correct nomenclature has made and is making its way. It is not without interest that a well-known tribe of Indians, the Menominees, were known as “Les Folles Avoines.” The wild hemp spoken of is well known in Canada.

[521.] “Guansignougua,” where Captain Stone²² placed his mill, is, of course, Gananoque; “Gananowui” is another of a dozen ways of spelling the word.

[523.] “Theakiki River,” i.e., the Kankakee (it was also known as Kiakique, Teatiky, Theahiki).

The enormous difficulties of the fur trade and of internal communication on the continent are now a matter of history. It is, however, interesting to read how immigrants made their way to “the Illinois.”²³

The translator is again wrong, the author right, the Ottawa River was long called the Grand River. Another Grand River, still so called in the peninsula, Simcoe gave the name of the Ouse²⁴; but the name did not stick, it had the same fate as the name Newark which he gave to Niagara.

[524.] “Roe” Lake is a misprint for “Rice” Lake, i.e., Lake Puckaway.

[525.] The English generally sold rum to the Indians, the French brandy—many were the exhortations of the traders of the two nations against the evil effects of the “firewater” of the other; and both were right.

[526.] “Mr. Tode” may possibly be Mr. James Tod, Member of House of Assembly in Lower Canada, 1792-1796. Desjardins “Guide parlementaire historique de la Province de Quebec,” p. 126 (M. Fauteux). It is I think more likely that this was Mr. Isaac Todd, a merchant at Montreal, who got into trouble some years later (1806). See Kingsford’s *History of Canada*, Vol. VII, p. 501.

Isaac Todd was a prominent merchant of Montreal, a member of the firm of Todd & McGill who did a large outfitting business for the North-West (McGill, his partner, was the Hon. James McGill, the substantial founder of McGill University). There are many references to him in the *Wis. Hist. Coll.* See Index, p. 514.

[527.] The Treaty between Spain and the United States was concluded October 27, 1795, ratifications exchanged April 21, 1796, and the Treaty proclaimed August 2, 1796. It will be found at full length in the official "Treaties and Conventions concluded between the United States of America and other Powers since July 4, 1776," published by the American Government, 1889, at pp. 1006-1014. By Article IV., His Catholic Majesty agreed that the navigation of the Mississippi in its whole breadth from its source to the ocean shall be free only to his own subjects and the citizens of the United States unless he should extend this privilege to others by special convention.

[528.] The absurd suggestion that Lord Dorchester might have been influenced by a secretary or a mistress (!) is unworthy: it is hard to account for it—the suspicion that a French priest was at the bottom of it is quite characteristic. Although an emigré (at least in one sense) himself, La Rochefoucault had enough of the spirit of Revolutionary France to hate the priesthood, generally more loyal to the King than himself. Why any French priest should have a grudge against him does not appear.

There is no indication from any source that Lord Dorchester had become weak of intellect (*radoteur*), and he was the last man in the world to be influenced by secretary or anyone else, man or woman. If the manner in which the Duke had been received—willingly and delightedly on his part, at Goochland and elsewhere in the United States—came to the knowledge of the Governor-General—and that is not at all unlikely—he had ample reason for the exclusion of a Frenchman so ardent a friend of the United States.

[530.] Oswego was given up to the Americans the following year under Jay's Treaty.

[532.] The French hatred of Pitt then and for long after was as intense and indeed as well founded as that at present of another people seeking world-power for Grey. The cry was that England might have prevented the outbreak of the continental war then just as it is now a cry that she might have done so in 1914; England then used other peoples as her tools, as she does to-day:

No rogue e'er felt the halter draw
With good opinion of the law;

and always those who desire mastery of the world will rail at a nation which will not submit.

Perhaps the height of folly and absurdity is reached in the charge that the French marine corps was sent to their doom at Quiberon by the treason of a political party, for fear that the French navy might be re-established and the supremacy of the British fleet challenged. That fleet could and can take excellent care of itself.

The extraordinary Battle of Quiberon (1759), fought in the dark one autumn evening among dangerous rocks, in a severe gale and on a lee shore, was one of the glories of the British Navy and of Ad-

miral Hawke. Though the French suffered defeat, so severe, indeed, that their Navy remained quiescent for nearly four years, they suffered no dishonour, but gave a good account of themselves.

The Duke cannot refrain from casting a slur upon the Revolutionist, Robespierre, hardly cold in his grave—he died in 1794—by intimating his belief in an utterly baseless charge which was made in turn against every man of prominence in France in that bloody and turbulent time. La Rochefoucault himself did not escape the same charge, and his life gave much more ground for it than that of Robespierre. It is probable that no one hated the Duke with the intensity which characterized the hatred toward Robespierre of the Dantonists and the Hébertists; and, moreover, he was by no means of the prominence of Robespierre.

General Haldiman was, of course, General Frederick Haldimand³⁵.

[535] The interesting young man Mac-Donnall (which the translator renders Mac-Donald) was Angus Macdonell (of the Aberchaldier family); his brothers were Colonel John Macdonell and Hugh Macdonell. The Speaker of the first House of Assembly was John Macdonell³⁶.

[540] The value of the Louis d'or was £1 2s. 6d. by Statute of 1795, 35 George III., Cap. 1, the Upper Canadian Statute.

The "South Sea" "la mer du Sud" toward (vers) not to which Mackenzie³⁷ took some French-Canadians, we know as the Pacific Ocean. Sir Alexander Mackenzie in 1789 went from Fort Chippewayan along the Great Slave Lake down the Mackenzie river (called after him) to the Arctic Ocean; in 1792 and 1793 from Fort Chippewayan, he crossed the Rockies to the Pacific Ocean near Cape Menzies.

[542.] The silly affectation which caused the change of the names of places was as marked in Upper as in Lower Canada—Toronto became York; Niagara, Newark; Frontenac or Cataragui, Kingston; the La Tranche, the Thames; the Grand River, the Ouse; L'Assomption, Sandwich; Ganaraska, Port Hope, etc., etc. (See note ³⁴.)

[553.] "Bonduc" is defined by Littré, "abrisseau epineux à fleurs leguminenses qui croît aux Indes (Guilandia bonducella)." The generic name is generally given as Guilandina. "Bonduc" is also used in English instead of its English equivalent "nickar-tree" or "nicker-tree"—the specific name is given as Bonduc or Bonducella. Maria Riddell in her "Voyage to Madeira" (1792) speaks of a "Guilandina moringa or yellow-nickar." But La Rochefoucault does not mean that tropical plant.

The "Bonduc que les Canadiens appellent *bois chicot*" is apparently the "coffee-tree," *Gymnocladus Canadensis* of Lamarck, the "Chicot du Canada" (see Provencher, *Flore Canadienne*, Vol. I, p. 157). Macoun, "Catalogue of Canadian Plants," Vol. I, p. 123, gives this as growing very large at the north end of Pelee Island; also near Niagara, and two large trees close to Rideau Hall, Ottawa, p. 512, also abundant at Point Penetanguishene, Ontario. It is sometimes called *Guilandina dioica*, Provencher loc. cit.—this writer gives the habitat as "bords des

lacs Erié et Ontario, aussi à l'Isle Jesus." The translator takes it for one or other of the buckeyes or chestnuts.

"Le ecoomanthus ou bourreau des arbres" is, I think, not the five-leaved ivy (*Virginia creeper*, *Ampelopsis quinquefolia*) as the translator thinks. The name "bourreau des arbres" is given in French to several plants with winding stem which injure trees, amongst them the "célastre grim pant," *Celastrus scandens*, or climbing bittersweet. This is closely allied botanically with the *Euonymus*, and it may be that *ecoomanthus* is a misprint for the word *euonymus*. *Ecoomanthus* I can find no trace of. Our climbing bittersweet or waxwork has beautiful berry-like pods in autumn and it sometimes does harm trees. The *Virginia creeper* climbs trees but does not closely entwine them like the *celastrus*, and although it does have "grappes vertes," it can scarcely be called "bourreau des arbres." Provencher gives as the common French-Canadian name of the *C. scandens*, "bourreau des arbres"—that of the *Virginia creeper*, "vigne-vierge," Vol. I, pp. 124, 111.

"Ragoumimex" the translator has rightly corrected into "ragouminier," which is good French for minel or minel du Canada, "nom donné au cerisier Canadien appelé aussi dans son pays nega," as Littré has it. (Another form is "ragoumier.") The Canadian cherry is the *Cerasus Canadensis*, *Prunus borealis*, wild red cherry, bird cherry or more probably the *Prunus serotina*—or perhaps the dwarf cherry, "sand cherry," "cerisier nain du Canada" (*Prunus* or *Cerasus pumila*); Provencher, *Flore Canadienne*, Vol. I, p. 166 (see General Remarks at p. 188, post).

"Le bouleau noir" is the "betula lenta," the sweet, black, or cherry birch.

What the traveller means by "frangier" I do not know—the word is unknown to Littré and our Canadian botanists. The translator calls it the "papaw." The papaw is the *Asimina* of several species, and while growing west and south, the species *triloba* is indigenous in Canada: it is found near Queenston Heights, on Point Pelee and in the Townships on the Lake between Point Pelee and Amherstburgh, Macoun, Vol. I, p. 29; Dr. Dearness, of London, informs me it is indigenous in Essex County.

It has occurred to me that by "frangier," La Rochefoucault may mean the fringe-tree (*Chionanthus Virginica*) which Provencher, Vol. II, p. 389, says "reussissant difficilement sous le climat de Québec." I have not seen it so far north. (See General Remarks on p. 553, at p. 188, post.)

"Magnolia," translated "cucumber tree." Some of the magnolias are called "cucumber-trees" from the appearance of the young fruit. These are the *Magnolia acuminata* and the *Magnolia cordata*; the latter is found even in New England, the former in New York State, in the west and south. But there are several species of magnolias not called "cucumber-trees" but "umbrella-trees." None of these, it is said, is native as far north as Canada, nor is the great-flowered magnolia or the sweet magnolia, but Provencher, *Flore Canadienne*, Vol. I, p. 21,

gives the *Magnolia acuminata*, a cucumber tree, as occurring near the Falls of Niagara.

Ginseng, the *Aralia quinquefolia*, has been very common in parts of Upper Canada and is generally exported to China, although still a household remedy in some places.

The "capillaire," translated "maidenhair," is not, as the translator thinks, the *Adiantum* (not *Adiantum*) *Capillus-veneris* or Venus-hair—that is a southern plant and found only in conservatories in the north—but the *Adiantum pedatum*, our maiden-hair, capillaire du Canada, native in our shady woods. Its medicinal properties are probably the same as those of the *A. Capillus-veneris*, Capillaire du Montpelier, which is used as an expectorant and in pulmonary catarrh. The Thomsonian physicians do not seem to have discovered the virtues of maidenhair, although they used the betula, the celastus and the ginseng mentioned by La Rochefoucault. Formius had the same opinion of adiantum as a cure-all as Thomson had of lobelia or Joe Pye of "Joe Pye Weed," (*Eupatorium purpureum*).

[555.] The translator first mistranslates "Johnstown", "St. John's" and then corrects the author for his own mistake—it was New Johnstown (Cornwall) which was the "capitale du district inférieur du Haut Canada," "district town of the lower district (the Eastern, formerly the Lunenburg, District) of Upper Canada."

[556.] Within living memory stable manure has been dumped upon the ice of the Ottawa River, near Ottawa, as well as in the St. Lawrence.

[557.] "M. Fouzé," whom the translator calls "Mr. Touzy," was the Reverend Mr. Toosey (called "Tosey" by Mrs. Simcoe, p. 58), mentioned in the Quebec Almanac as far back as 1788 as Anglican Minister of Quebec. In the Quebec Almanac of 1792 he is styled Commissary for Lower Canada and English Minister at Quebec. He was licensed by the Rt. Rev. Charles Inglis, first Bishop of Nova Scotia, August 8, 1789, and seems to have lived two miles from the town. He died about October, 1797. The Canadian Archives Report for 1913 has several memoranda concerning Mr. Toosey from the journals of Dr. Inglis (see p. 236, 237, 239, 240, 241); his death is referred to in Can. Arch. Report, 1891, at p. 159. He was succeeded as "Minister of the Protestant Church at Quebec" by Rev. Salter Mountain, nephew of Bishop Mountain.

[562.] After the death of Father Well in 1791, Father Casot was the sole surviving Jesuit—he was among the few Jesuits ordained in 1766 to perpetuate the Order. He had been a lay brother, and the charge that he was a "faux moine usurpateur" was made against him by Roubaud, his former colleague, who turned Protestant³⁸.

Bishop Charles Inglis tells us, under date June 19, 1789 (Can. Arch. Rep., 1913, p. 237), that Lord Dorchester "disapproves of grant of Jesuits' estates to Lord Amherst and agrees that it should be appropriated for a university. It amounts to between £1,000 and £2,000 per annum."

I can find no reason to suppose that it was Dorchester's dislike to Amherst which caused him to leave the Jesuits' estates in the hands of Father Casot, but no doubt that was part of the gossip of the day. The Lower Canadian Parliament was very strongly opposed to the grant to Lord Amherst, and it was considered a gross outrage that one person, however exalted and meritorious, should receive these properties, some of the best in the Province.

"As to the Recollets, there were more than two at the time of La Rochefoucault's travels in 1795. The convent of the Recollets, at Quebec, was burned down the 14th of September, 1796, and it was this event which led to the secularization of the Order in the same year. At the time of the fire, there were in the convent at least fifteen Recollet brothers. But outside the brothers, there were in the same time in Lower Canada at least five Recollet friars or priests. They were Father Carpentier, who died in 1798; Father Petrimoulx, who died in 1799; Father Dugast, who died in 1804; Father de Berey, who died in 1800; and Father Demers, who died in 1813, the last surviving priest of his order in Canada. Perhaps we might add Father Veysière, who died in 1800, but in 1795, he had left the Order since a long time and was a Protestant minister at Three-Rivers."²⁹

[563.] The translator, in speaking of the "priests of St. Sulpice," leaves out the words "de Paris." The fact is that "the Sulpicians established in Montreal never had anything to do with the Seminary of Quebec. The latter institution was under the direction of the *Seminaire des Missions étrangères de Paris*."³⁰

[565.] The tenure of land under the old régime was not suited to a democratic people, but the "Seigniorial Tenure," as it was called, did not disappear till 1854. It may be interesting to add here an account given of it and of the Canadians of the olden time by myself in an address before the Canadian Club of Toronto, Nov. 6th, 1911, on the "Constitutional History of Canada."

"The country was governed on feudal principles. In the country were the nobility—the noblesse—the seigniors who owned the land; they paid homage to the King, and had under them the peasants ('habitants' as they called themselves) to whom they leased land to be held on much the same terms as the lands were held by the peasantry in France. This seigniorial tenure was introduced substantially by Richelieu in 1627.

Not only did a Seignior when he succeeded to his estate pay homage to the King or other, his feudal superior, but when he sold or transferred his seigniorship he was obliged to pay a part, usually (at least in theory) a fifth part, of the purchase money to such superior. He also had the glorious privilege of being eligible to be appointed a member of the Superior Council—if the authorities saw fit—he might also have a commission in the militia—for in time of war all the inhabitants of Canada might be called upon to do service in the army under the Governor or other commander. Very often he did not own his land in the fullest

sense—frequently the Crown reserved mines, minerals, oak-timber and masts for ship-building, such lands as might be required for military purposes, and the like.

The Seigniors had in theory the right of dispensing justice, but that right was exercised by very few, and very seldom even by them.

The habitant as 'censitaire' (tenant) was under many feudal obligations familiar to readers of Blackstone—for example, he was bound to take his grain to be ground at the Seignior's mill, and to pay for such grinding. If he went to another mill, that did not relieve him from paying his Seignior all the same. If a habitant, being the feudal inferior, desired to dispose of the land which he held, he was obliged to pay a substantial part of the purchase money to the Seignior; and worse, the Seignior might himself take the land within forty days of the sale. He was liable to the *corvée*, or forced labour, for his Seignior, as in France; he must give the Seignior one fish out of every dozen of those caught in Seigniorial waters. Wood and stone might be taken from his land by the Seignior to build or repair manor-house, church or mill. . . . But they all loved Canada—'O Canada, mon pays, mes amours'—as their descendants do still—and no one can understand the depth of that devotion who has not mingled with 'les Canadiens.'

They were free, bold and adventurous, frugal, industrious and moral; and made the very best of soldiers for the kind of country in which they were called upon to fight.

Next to, if not indeed sometimes above the Seignior, was the Curé—sometimes the only one in a Seignior except (or possibly not even excepting) the Seignior who could read and write. The essentially religious character of the French-Canadian is seen in the high place the Curé held in his regard—a place which is little lower now than it was a century and a half ago. Indeed it has been said that the Canadian Curé exercised in Canada, the power in France of the King, the noble and the priest.

But neither priest nor peasant had any part in making the laws by which they both were governed; their government was arbitrary and military; they were accustomed to obey their superiors—and anything more unlike a constitution in our latter day sense than was the mode of government of that happy and fearless primitive people it would be hard to find."

[566.] The administration of justice was not at this time the same in Lower Canada as it was in Upper Canada. In the previous year, in Upper Canada the one Court of King's Bench having jurisdiction over the whole Province and sitting in Term at the Capital had been substituted as the sole Superior Court for the four local Courts of Common Pleas. In Lower Canada the former system continued.

In Reaumur's thermometer, still used in some countries, the freezing point of water is 0°, the boiling point of water 80°—in our common (Fahrenheit) thermometer the freezing and the boiling points are 32° and 212° respectively—in the Centigrade thermometer used every-

where in scientific investigations and in many European countries generally, they are 0° and 100° respectively.

As is stated in the note, 24° Reaumur = 86° Fahrenheit 28° Reaumur = 95° Fahrenheit; this temperature is a little high, but not without precedent in either Montreal or Toronto.⁴⁰

[567.] M. Fauteux shows that it is an error to say that the library at that time in Quebec, "est petite et généralement composée de livres français." The Catalogue published in 1796 shows English books 814, French 1001 in number.⁴¹

The statement of La Rochefoucault that hardly a single book had been printed in Quebec is correct *sub modo*—there are not many, but the translator is quite wrong in saying that there was none.⁴²

[568.] Smith corrects "Knott" into "North."

[569.] The characterization of the priesthood (which is omitted by the translator but which I have supplied) has called out much unfavourable comment by French-Canadians and others—comment, in my view, as just as it is unfavourable.

In that respect, I quote from a letter of Prof. Arthur Robitaille, Professor of Botany in Laval University; we can approve his every word, both as to the priests and as to the other French-Canadians.

"M'autorisant de la permission que vous m'avez accordée de vous proposer quelques remarques, si la chose me convenait, je me permettrai de vous affirmer, en toute sincérité, que La Rochefoucault n'est pas considéré comme un historien impartial: vous admettez, sans peine, que ce n'est pas en passant dans un pays, en amassant, au hasard, certains détails, qu'on peut apprécier, à sa juste valeur, un peuple; les renseignements qu'il donne sur le peuple et le clergé canadien-français ne sont pas sérieux et des études plus approfondies, faites par des historiens modernes très au fait de la question, ont prouvé clairement l'inanité des conclusions de La Rochefoucault.

En effet, le peuple canadien a su être apprécié, à sa juste valeur, par les Gouverneurs Anglais, qui vinrent en Canada avec autre chose que des préjugés, et aussi par les historiens anglais. Et ceux-ci étaient, pour connaître et juger, plus à portée que ce Noble français, qui n'a fait que passer et dont l'esprit était imbu des préjugés qui poussaient la Noblesse française du temps de Louis XVI à regarder la plèbe comme une classe sociale inférieure à tous les égards.

Et le clergé canadien a-t'il eu en partage la déloyauté que ce monsieur lui attribue? Je n'en veux prendre qu'un seul exemple. En 1775, grâce à ce clergé si injustement calomnié, le peuple canadien, qui l'aimait, se laissa persuader et resta fidèle à la couronne britannique, et ils ne furent pas écoutés dans la campagne canadienne, ces appels vers l'indépendance; ces appels si souvent répétés par les voisins des Etats-Unis. Ce fait, et bien d'autres que vous connaissez, suffisent abondamment à montrer que le tableau, que ce passant a voulu tracer du peuple et du clergé canadiens, ne donne, en aucune façon, une idée juste et impartiale des Canadiens-Français de la fin du XVIII^e siècle."

"Availing myself of your permission to make such remarks as I should wish, I state in all sincerity that La Rochefoucault is not considered an impartial historian. You would readily agree that it is impossible to appreciate at their true value a people, by simply passing through their country and gathering a few chance details. What he reports of the French-Canadian people and clergy is not reliable, and the more profound investigations made by modern historians, thoroughly versed in the matter, have clearly proved the conclusions of La Rochefoucault wholly worthless.

In truth, the French-Canadian people have been appreciated at their true value by English Governors, who came to Canada with something other than prejudice, and by English historians. And did the Canadian clergy exhibit the disloyalty attributed to them by this gentleman? I give only one example. In 1775, thanks to the clergy so unjustly calumniated, the Canadian people who loved the clergy, hearkened to their persuasion and remained faithful to the British Crown; in the Canadian campaign they did not listen to the appeals toward independence so often repeated by their neighbours of the United States. This fact and many others which you know are abundantly sufficient to show that the picture which that passing traveller has painted of the French-Canadian people and clergy gives in no wise a just and impartial idea of the French-Canadians toward the end of the 18th century."

It should, however, in fairness, be said, that La Rochefoucault, in speaking of Lower Canada, did not pretend to speak with knowledge at first hand. He had to rely upon information received from Guillemard (an English Huguenot) and others. There is no difficulty in producing statements made about that time by English-speaking persons concerning the French-Canadian people and clergy quite as severe as anything La Rochefoucault says—and more so. Nor are these statements confined to the 18th century; racial and religious prejudice dies hard.

However, it must be admitted the French-Canadians have always been and are abundantly able to take care of themselves.

[571.] Kadanoghqui—Gananoque.

[574.] Wolfslove—Wolfe's Cove.

[575.] The author and the translator between them have made the places of origin of the furs rather obscure.⁴³

[576.] The Northwest Company and Frobisher and MacTavish were well-known at the time throughout Canada.⁴⁴

[579.] "Descend the river Utacoha"—"remontant la rivière Utacoha"—the last word a misprint for "Utawa," i.e., the Ottawa.

[584.] The livre was 20 sols (sous); by the Upper Canadian Act of 1795, 35 George III, cap. 1, the value of the livre Tournois was fixed at 11 1-9 pence (Canadian or Halifax currency), i.e., almost exactly 18½ cents of our present money.

[587.] In the table of exports there are several mistakes on the part of the translator. "Froment" "wheat" he calls "rye." "Capillaire" he properly translates "maiden-hair," but adds the wrong species wrongly spelled—the "maiden-hair" here referred to is the Canadian maiden-hair, *Adiantum pedatum*. "Ginseng" for some reason he calls "Cast-iron." "Shookcasles" are no doubt "cask-shooks," i.e., staves, etc., for casks. "Banala" is not found in Littré or Murray and I cannot guess at its meaning.

[589.] He calls "chats musqués," "castors" instead of "musk-rats." Possibly "Tigres," "Tygers" are "tigres marins," "sea lions," but the term "tigre" is applied to several fierce American animals such as the jaguar, the cougar and the chatpard or mountain-cat—it is much more likely that one of these is meant, probably the cougar.

The spelling "oursins" instead of "oursons" in the original may be noticed—the former now means "sea urchins," the latter "bear cubs."

What the author means by "open-cat" and "closed-cat" I do not know—perhaps the translator has hit upon the true meaning.

[591.] Of Count Andriani, Chester Martin, in his recent work, "Lord Selkirk's Work in Canada," Oxford University Press, Toronto, 1916, at p. 17, says:—

"It was in Switzerland in 1794 that acquaintance began with Count Andriani, the traveller, who was probably the first to direct Douglas's attention to the promise of the New World." A reference is made to MSS. Correspondence of Dunbar, Earl of Selkirk, and his sons, in the possession of Captain Hope, St. Mary's Isle, Kirkcudbright, Scotland.

Andriani is also mentioned by Dr. Reuben G. Thwaites in his "Long's Voyages," apparently, however, quoting La Rochefoucault, and also in the Wisconsin Historical Collections, Vol. XI, p. 125 n, explicitly quoting La Rochefoucault.⁴⁵

REFERENCE NOTES.

¹George Hammond, 1763-1853, born at Kirk Ella, East Yorkshire, educated at Oxford, went to Paris in 1783 as Secretary to David Hartley, Jr., one of the Peace Commissioners; 1788 to 1790, Chargé d'Affaires at Vienna; 1790 at Copenhagen and then to Madrid. In 1791 sent as Minister Plenipotentiary to Philadelphia (then Capital of the United States), the first British Minister there accredited. He married a Philadelphia lady, and was very popular until he insisted on the rights of the Loyalists. In 1795 he became Under Secretary for Foreign Affairs and had important missions to Berlin and Vienna. He retired in 1806, resumed his position in 1807, and finally resigned in 1809, after the Walcheren disaster. He rendered public service thereafter as arbitrator, etc., and died 1853.

There seems to have been some misunderstanding between him and Dorchester, on the subject of admitting aliens to Lower Canada, or possibly Dorchester was led by circumstances to change his mind. In any case, Dorchester was the ultimate authority as to such admissions; and the condition of Lower Canada, and the machinations of the French agents and sympathizers were such as to call for great caution. At the present time, it is not apparent that there would have been any danger in admitting La Rochefoucault but we do not know all the facts—Smith's suspicions, however, seem groundless. Dorchester's despatch to the Duke of Portland, July 25, 1795 (Dom. Arch. Rep. 1891, p. 106) gives no reasons: he asks that no more emigrants be allowed to come from the West Indies to Quebec. "Where they must be a burden and in which their presence may be pregnant with dangerous effect."

²Sir Guy Carleton, Lord Dorchester, 1724-1808, born at Strabane, joined the army at the age of 18, took part in the conquest of Quebec, 1759, in 1766 appointed Lieutenant-Governor and 1767 Governor-General of Quebec. He left Quebec in 1770, but was reappointed in 1775. In Montreal, at the time of the investment of Quebec by Arnold, he made his way to the latter city, passing through the enemy's lines in a whaleboat, disguised as a fisherman. His successful defence of Quebec put an end to the hope of the Revolutionists to add a fourteenth colony to their federation. In 1778 he was succeeded by Haldimand (see note "post"), and after valuable service in the American wars he was again appointed Governor-General in 1786. From 1791 to 1793 he was absent from Canada, but returned in September of the latter year, finally retiring in 1796.

He was a man of marked ability and scrupulous integrity. His knowledge of human nature and sympathy with men of all ranks and countries made him an exceedingly valuable governor. Had there been more like Carleton the course of history on this continent might have been materially different; and it is not too much to say that it is chiefly to him that the credit is due of keeping Canada under the British flag.

³John Graves Simcoe (1752-1806), born at Cotterstock, Northamptonshire, son of Captain John Simcoe (R.N.), who was killed at Quebec, 1759. Educated at Eton, he entered the army at the age of nineteen, fought through the American Revolutionary war, taken prisoner he narrowly escaped with his life. Exchanged, he rejoined the army and was among those surrendered by Cornwallis in 1781. He then went to England, was returned to the House of Commons and in 1791-2 became first Lieutenant-Governor of Upper Canada. The legislation during his regime is reviewed and discussed in a series of articles in the *Canadian Law Times* for 1913, "Some Early Legislation and Legislators in Upper Canada" (33 Can. L. T., 22, 96, 180). He returned to England in 1794 and was appointed Commandant of San Domingo. He went to England in 1797, and in 1806 was appointed Commander-in-Chief in India. He never went to India, however, but died in 1806 at Torbay. His career and character are fairly portrayed in his Life by the late D. B. Read, Q.C.

His services in the American wars are minutely set out in a volume which he had privately printed at Exeter in 1787. The title is "A / Journal / of the / Operations / of / the Queen's Rangers / from / the end of the year 1777 / to the / Conclusion of the late American War. / By Lieutenant Colonel Simcoe, / Commander of that Corps. / Exeter, Printed for the Author." 4to., pp. v. 1 to 184 with 48 pages of appendix. The quarto edition is very rare; most of the copies are the treasured possession of the descendants of Simcoe's officers—the copy I have used is the property of Mr. Æmilius Jarvis, Toronto; it is beautifully bound in contemporary calf, and printed on excellent paper. But an enterprising firm of publishers in New York issued an octavo edition in 1844 which is rather common, copies being occasionally offered for sale. "Simcoe's Military Journal / A History of the Operations / of a / Partizan Corps / called / the Queen's Rangers, / Commanded by Lieut.-Col. J. G. Simcoe, / during the War of the American Revolution. / Illustrated by ten engraved plans of actions, etc. / Now first published / with / A Memoir of the Author / and Other Additions, / New York: / Bartlett & Welford, / 1844." Cloth, 8vo., pp. xvii + 14 to 328. (A copy is in the Osgoode Hall Library.)

Simcoe in his dignified letter to Phillips, confidently appeals to his record as refuting the calumny of La Rochefoucault in respect of boasting about burning houses during the Revolutionary war—the episode he cites is to be found in p. 42 (I cite the octavo edition as being more easily procurable). On pp. 40, 41, it is related that Simcoe threatened the wife of a franc-tireur to burn her husband's house (to deter others) if it were shown that he had shot at some British boats from ambush. But the proof failed and the house was not fired. On pp. 115, 116, he is said to have told certain women to inform some four or five people who were lurking on his rear "that if they fired another shot he would burn every house which he passed." A man or two had been wounded, but the threat seems to have been effective.

Simcoe was taken prisoner after his horse had been shot under him (pp. 116-117). A boy was about to bayonet him as he lay insensible, but was prevented by one Marineer, a refugee from New York, in command of the detachment, who said, "Let him alone, the rascal is dead enough"; another person regretted that he had not shot him through the head, which he would have done had he known him to be a colonel, but he thought "all colonels wore lace" (p. 264).

In December, 1782, the Queen's Rangers, cavalry and infantry, were honourably enrolled in the British Army. At the Peace, the regiment was disbanded and most of the officers received land in the loyal provinces. The charge that Simcoe desired war with the United States is almost wholly due to La Rochefoucault—whether there was an honest misunderstanding cannot now be determined. There is nothing in Simcoe's long and active public life to indicate that he had any such wish.

⁴Genet—Edmond Charles Genet (or as generally written in English, Genet), 1765-1834, born in Versailles, showed Republican opinions at an early age. Being appointed Chargé d'Affaires at St. Petersburg in 1789, he became distasteful to that court. Returning to France he was appointed Ambassador to Holland, but before he could go there he was appointed Minister to the United States in 1792. Received everywhere with enthusiasm he seems to have lost his head. He began and continued a course of conduct most irritating to Washington and wholly contrary to the rules of international law, and even to a decent regard for the country to which he had come. He openly maintained that it was the duty of the United States to side with France against Britain; he fitted out privateers at Charleston to cruise against nations at peace with the United States, and seemed to think the United States a mere adjunct to France. Ultimately, Washington could stand him no longer and demanded his recall.

Genet, on being recalled did not return to France but settled in the State of New York, became naturalized and married an American lady, the daughter of George Clinton, dying at Schodack, Rensselaer County, New York State.

* Fauchet, his successor, was almost equally noxious, but seems to have restricted his efforts to New Orleans. He did not remain long, giving place to Adet.

† Pierre Auguste Adet, 1763-1832, born in Nevers, France, sent by the Directory to the United States as Minister Plenipotentiary in 1795; he was continually thereafter a thorn in the side of the American administration, endeavouring to force the country to take the side of France. Before his return on his recall in 1796, he issued an inflammatory address to the people of the United States. During most of his stay in the United States he was engaged in intrigue against British rule in Lower Canada. After his return to France he adhered to Napoleon, but attained no eminence. An able chemist, he invented a very curious system of chemical signs which had no great vogue and is now quite forgotten. Kingsford, *Hist. Can.*, Vol. xii, pp. 441, sqq., has some reference to this Frenchman. See also my paper, *Roy. Society of Canada*, 1916, "The Trial of David McLane" and note⁷ post.

‡ David McLane (the name is variously spelled), born in Boston, afterwards in business in Providence, Rhode Island, was apparently employed by Adet to raise disaffection in Lower Canada. At all events, he did try to do this. Being apprehended, he was tried at Quebec for High Treason and convicted July 7th, 1797, the first trial for this offence on this continent. He was drawn to the place of execution on the glacis of Quebec upon a hurdle, July 21st, hanged, cut down, beheaded, part of his bowels burned and nicks cut in the four quarters of his body with a knife, symbolical of the quartering to which he had been sentenced. See my paper on this trial in the *Roy. Soc. Canada's Transactions*, 1916.

§ Guillemard, was a young Englishman of Huguenot descent, amiable, intelligent, pleasant, good company and fond of travel. He had come to America solely from the love of travel and not to make money. He was well-off and did not require any access of fortune. La Rochefoucault congratulates himself on finding such a travelling companion. It will be seen that La Rochefoucault depended to some extent upon Guillemard for his information concerning Lower Canada; it is not unlikely that Guillemard's Huguenot extraction led him to do some injustice to the French-Canadian priesthood.

¶ Dupetit-Thouars, a naval officer, has been spoken of already in the Introduction, q.v. p. 7, ante.

‡ De Blacons has also been there spoken of. Mrs. Simcoe was informed that he kept a shop in the United States and this information was quite correct; he kept a haberdasher's shop in partnership with another French immigrant.

‡ Poudrit was a French-Canadian who had married an Indian wife; one Mr. Chipping had supplied him as a guide to La Rochefoucault, giving at the same time the erroneous information that Poudrit had adopted Indian customs in their entirety—"pour suivre une squawh (c'est le nom des femmes indiennes) dont il était amoureux." However, he seems to have guided the travellers satisfactorily over and through the deserts of Western New York.

‡ Captain Pratt does not seem to have taken any active part in public affairs in Upper Canada—I do not find him mentioned in any of our early records. Perhaps he just attended to his business as a British officer.

‡ Captain James Mathew Hamilton, an Irishman, born at Donaghadee, County Down, 1768. He became an officer in the Fifth Regiment of Foot. Being stationed at Mackinac, he was married there by Dr. David Mitchell, the Regimental Surgeon, to his daughter Louisa. For the greater caution, they were remarried by the Rev. Robert Addison, at St. Mark's Church,

Niagara, August 24th, 1792. (See my article "Some Early Legislations and Legislators in Upper Canada," 33 Can. L. Times, at p. 101.) He and his wife were great friends of Mrs. Simcoe, who speaks in her Diary of them more than once.

¹⁴Robert Hamilton was a Scottish merchant of very high character. He was appointed one of the first Legislative Councillors of Upper Canada by Simcoe, in 1792. He had been in partnership with Hon. Richard Cartwright and generally saw eye to eye with him: Simcoe thought them both Republicans, an unfounded suspicion. He and his family (one of his sons, George, was the founder of the present city of Hamilton), played a very active and creditable part in our nascent province.

An account of this eminent man will be found in Miss Janet Carnochan's "Queenston in Early Years" in No. 25 of the publications of the Niagara Historical Society. See also Robertson's History of Freemasonry in Canada, Vol. 1, p. 468. A portrait and sketch are given in the Buffalo Hist. Soc. Publications, Vol. vi, pp. 73-95.

The amount of toll referred to, p. 398, as to be taken by grist-millers was fixed by Statute in 1792 (32 George III., cap. 7), at one-twelfth. It is said that it was proposed that the amount should be one-tenth but that friends of the millers stood out stoutly for one-twelfth. The toll for saw-millers was a matter of custom and not of statutory provision. The rate one-half said to be charged at the Niagara seems to have been common. See what is said about Captain Stone (not Store) and his sawmill on the creek of Guansigoungua (Gananoque) at [521], [522].

¹⁵Elizabeth Posthuma Gwillim, wife of John Graves Simcoe was born in 1766 at Whitechurch, the daughter of Lieutenant-Colonel Thomas Gwillim, a posthumous child. She married John Graves Simcoe in 1782, and survived till 1850, when she died at Wolford Lodge, not far from Exeter, her husband's estate.

She accompanied her husband to Upper Canada; her diary has been edited with great skill and care by Mr. John Ross Robertson, a true labour of love. This work cannot be neglected by any student of early times in Upper Canada, the letterpress and the illustrations (many of them from drawings by Mrs. Simcoe) being equally excellent. "The Diary / of / Mrs. John Graves Simcoe, / Wife of the / First Lieutenant-Governor of the Province / of Upper Canada, 1792-6. / With Notes and Biography / by / J. Ross Robertson, / and two hundred and thirty-seven illustrations, including / ninety reproductions of Interesting Sketches / made by Mrs. Simcoe. / Toronto: / William Briggs, / 1911." Cloth, 8vo., pp. xxix + 440.

¹⁶Edward Baker Littlehales (eldest son of Baker John Littlehales), Military Secretary to Simcoe, accompanied him on his trip from Newark to Detroit in 1797. After returning to England he was advanced in rank to a Colonelcy. In 1801, he became under Secretary for Ireland, remaining such till 1820. In 1802 he became a Baronet and in 1817 assumed the name Baker instead of Littlehales and became Sir Edward Baker Baker, Bart. A man of much tact and bonhomie, he deserved all La Rochefoucault's eulogy and more.

¹⁷Jedidiah Morse, born in Woodstock, Conn., in 1761, died 1826; he was a Congregational minister and a successful teacher. He wrote a History of New England, Annals of the American Revolution and a number of biographies.

His geography was well and favourably known; the work cited by the translator is not the folio Morse's Geography, which many of the senescent will remember as being in common use in the schools of Upper Canada half a century ago and more (before the advent of Dr. Hodgins' Canadian work), but an octavo. My own edition was printed in London for John Stockdale, Piccadilly, and bears date 1792.

¹⁸It must be remembered that till 1784, Nova Scotia included what is now called New Brunswick. Morse does not anywhere in this book recognize New Brunswick but treats of the whole territory as Nova Scotia (pp. 475, 476). New Britain, he describes (p. 473) as "all the tract of country which lies north of Canada, commonly called the Eskimaux Country, including Labrador, New North and South Wales, said to be 850 miles long and 750 broad." The map shows New South Wales west of James Bay.

¹⁹The account of Simcoe's services in the war of the American Revolution must be read with caution. See note ³ p. 172 ante and Simcoe's letter to Phillips, pp. 134, sqq., ante.

²⁰See an account of this and other legislation in a series of articles in the *Canadian Law Times*, 1913. "Some Early Legislation and Legislators in Upper Canada," already mentioned (33 Can. L. T., pp. 22, 96, 180).

²¹John White, an English Barrister admitted of Gray's Inn, but apparently called by the Inner Temple, 1785, who came to Upper Canada in 1792 as the first Attorney-General. (His diary is extant, but as yet unpublished). Through the influence of Lieutenant-Governor Simcoe, he became a member of the House of Assembly for the first Parliament; and he took an active part in legislation. His health was not very good and he seems to have been of a quarrelsome disposition. In 1800, January 3rd, he was killed in a duel by John Small, Clerk of the Executive Council (whose wife he had traduced), and in 1871, his bones were dug up from their first resting place and reburied in St. James' Cemetery. See my "Legal Profession in Upper Canada in Early Times," Toronto, 1916, at pp. 151-153.

His account of the difficulty of convicting those charged with crime in Upper Canada sounds odd at the present day but is amply borne out by his diary—of all those noted as having been prosecuted by him from July, 1792, till January, 1794, only one was convicted. Shortly after this time, the disposition of juries seems to have changed or possibly the judges became more efficient, for there has not for a century been any real ground for complaint (except in rare cases) of undue leniency on the part of juries.

²²The coloured burglar was Josiah Cutan, tried at L'Assomption (now Sandwich), September 7th, 1792, at the court of Oyer and Terminer for the District of Hesse, before William Dummer Powell, then the first (and only) Judge of the Court of Common Pleas for the District of Hesse, and a jury. Powell at the time of La Rochefoucault's visit was the only Justice of the Court of King's Bench; he afterwards became Chief Justice of Upper Canada.

The prisoner was apprehended shortly after midnight, and while he denied having stolen them, admitted that he had taken some articles found in a bag, "some smoked skins, and two kegs of rum and a bundle of peltry" from the house or shop of Joseph Campeau of St. Anne's, trader; and he also admitted that he had broken into the shop at night with an adze, forcing open the door. The jury found him "guilty of the burglary and felony whereof he stands indicted."

Being called to the Bar to receive sentence he was thus addressed by Mr. Justice Powell:

"Josiah Cutan, you have been found guilty by the verdict of twelve good and impartial men upon the plain evidence of your own voluntary confession, in addition to other proof, of having committed on the eighteenth of October last, a burglary in the house of Joseph Campeau. This crime is so much more atrocious and alarming to society as it is committed by night when the world is at repose and that it cannot be guarded against without the same precautions which are used against the wild beasts of the forest, who, like you, go prowling about for their prey. A member so hurtful to the peace of society, no good laws will permit to continue in it; and the Court in obedience to the law, has imposed upon it the painful duty of pronouncing its sentence, which is that you be taken hence to the Gaol whence you came, and thence to the place of Execution, where you are to be hanged by the neck until you are dead. And the Lord

have mercy upon your soul." He was duly executed at an early day—it was not the custom in those days to fix the day of execution, and the sheriff carried out the sentence at a convenient and early day (generally the Monday following the sentence).

The proceedings at this Court are to be found in the Ontario Archives; a copy is in the Riddell Canadian Library at Osgoode Hall, Toronto.

It may be noticed that the prisoner was not defended by counsel, and indeed the only lawyer then practising at Detroit and Sandwich was Walter Roe, Clerk of the Court of Oyer and Terminer; and he conducted the prosecution.

²³ John Butler, born at New London, Connecticut, in 1728 (the eldest son of John Butler, an Irish Officer), educated at Connecticut, became Captain in the Indian Department under Sir William Johnson in 1755 and distinguished himself at the disastrous battle of Crown Point in that year. He served under Abercromby at Ticonderoga and Bradstreet at Fort Frontenac, then went with Johnson to Fort Niagara as second in command of the Indian forces.

In 1760 he went with Amherst to Montreal as second in command of the Indians; and thereafter was engaged in connection with the Indians for the remainder of his life, his knowledge of several Indian languages rendering him an invaluable agent.

He took the Loyalist side in the American Revolution, and raised the celebrated corps, "Butler's Rangers," whose activities and successes were marked. His son, Walter, was equally active; and sometimes certain of his actions have been credited (or rather debited) to his father.

Settling at Niagara after the war, he continued in the service of the Crown until his death in May, 1796, and was interred in the family burying ground near Niagara.

"A fat man below the middle stature, yet active; through the rough visage of the warrior showing a rather agreeable than forbidding aspect. Care sat upon his brow. Speaking quickly, he repeated his words when excited. Decision, firmness, courage were undoubted characteristics of the man." So wrote one who owed him no love—Miner, the local historian of Wyoming.

"History / of / Wyoming / in a series of Letters / from / Charles Miner / to his Son / William Penn Miner / . . . Philadelphia / published by J. Crissy, No. 4 Minor Street / 1845"—the description is given at p. 236. This local history seems to have been written in good faith; but much gossip is set down as sober history. A copy is in the Riddell Canadian Library, Osgoode Hall, Toronto; the book is not common.

Many wholly groundless charges were made against Butler, as against most loyal officers, by the Revolutionists.

A fairly full and (I think) wholly accurate account of Butler and his services will be found in Lieutenant-Colonel Cruickshank's "Butler's Rangers," published by the Lundy's Lane Historical Society. Robertson's "Freemasonry in Canada," Vol. 1, p. 470, has also a short account of him.

Joseph Brant (Thayendanegea), a Mohawk Indian born on the banks of the Ohio about 1742 when his parents were on a hunting expedition, their home being at the Canajoharie Castle. His father dying when Joseph was young, his mother married an Indian whose Christian name was Barnet or Bernard contracted to Brandt or Brant. Joseph took this name, which was spelled both ways. Smith calls him "Brandt," but the usual and correct spelling is "Brant."

He was sent to a school at Lebanon, Conn. (the original of Dartmouth College) by Sir William Johnson and became a devout Christian. He took an active part in the Revolutionary War. Campbell's calumny of him in "Gertrude of Wyoming," "the monster Brant," was conclusively disproved and Campbell apologized most handsomely for his mistake—but Brant did lead his Indians in some incursions of less note, and was not wholly destitute of the sternness of the Redman.

He came to Canada a leader of the Six Nations, and continued to the end of his life to be a devoted adherent to British rule—a myth (not yet dead) to the contrary among certain Americans, notwithstanding.

He visited England in 1786 and was received with great distinction. He died in 1807.

A very full account of his life has been written by Col. William L. Stone, a work readily available. Much inaccuracy has been exhibited by some Canadian writers, *e.g.*, he is made a hereditary chief, which he was not; he is represented as fighting in the war of 1812, which, indeed, his son did, etc., etc. Brantford is called after him. His sister Molly was Sir William Johnson's "Indian wife," and bore him many children.

²⁴Timothy Pickering, 1745-1829, born in Salem, Mass., educated at Harvard, where he graduated 1763, admitted to the bar, 1768; became judge of Court of Common Pleas for Essex County 1775. He took the continental or revolutionary side in the disputes with the mother country, and in 1776 was placed in command of a regiment. He served during the whole war and at the conclusion of peace became a commission merchant in Philadelphia, removed in a short time to Wilkesbarre. He was a delegate to the Constitutional Convention of Pennsylvania. Later he became a Commissioner to treat with the Indians and concluded several treaties with them in 1790, 1791 and 1794—he received the name "Black Bird" from the Indians with whom he had dealings. Mrs. Simcoe notes in her diary, May 14th, 1793, the arrival at Navy Hall of "John Randolph, . . . a Virginian, Benjamin Lincoln and Col. Timothy Pickering, . . . both of Massachusetts, New England. Col. Simcoe calls the latter my cousin, his ancestor left England in Charles 1st's reign and this gentleman really bears great resemblance to the picture Mr. Gwillim [a relative of Mrs. Simcoe's] has of Sir Gilbert Pickering." These three Americans were Commissioners appointed by the United States to treat with the Indians at Sandusky; they were courteously entertained by Col. and Mrs. Simcoe. They attended a ball and supper and were struck with the beauty of the Canadian ladies there.

Pickering afterwards became Postmaster General, Secretary of War, Secretary of State, Senator and Representative; he opposed the war in 1812. See "Life of Timothy Pickering," by his son and others, Boston, 1867, 1873.

²⁵Two other sons were afterwards born to Simcoe—John Cornwall in July 1798, and Henry Addington in 1800; the former died young, the latter survived till 1868. There were also eight daughters.

²⁶Robert Pilkington, born at Chelsfield, Kent, 1765, educated at the Royal Military Academy at Woolwich, became Second Lieutenant in the Royal Artillery, 1787; two years after he exchanged into the Royal Engineers, came to Canada 1790 and was stationed at Quebec. He was promoted First Lieutenant 1783, in which year he joined Simcoe's staff. In 1794 he built Simcoe's Fort on the Maumee; he was on the staff till 1796, and became Captain Lieutenant 1797; Captain 1801. Leaving Canada in 1803, he was stationed for special service at the Waltham Abbey Powder Factory. Lieutenant-General in 1809 he took part in the Walcheren expedition, and was wounded at Flushing. On his return to England he filled several offices of high and responsible command—finally, in 1832, becoming Inspector-General of Fortifications. He died in London in 1834. "Dictionary of National Biography," Vol. xlv, pp. 299, 300. Mr. Ross Robertson also speaks of him, "Diary of Mrs. Simcoe," p. 192.

He seems to have been an active and useful public servant.

²⁷See an article in the *Canadian Journal of Medicine and Surgery*, September, 1911, "The Medical Profession in Ontario."

²⁸A photographic copy of this is in the Riddell Canadian Library at Osgoode Hall.

²⁹William Berczy, born in Saxony in 1749 or possibly a little earlier. While very young his family removed to Vienna; both his father and his uncle were in the employ of the State and represented Saxony at Vienna. He was educated at Leipsic and Jena, and travelled much in adjoining coun-

tries. He went to Switzerland and Italy; thence to London, where in 1791 he was engaged by an Association, at the head of which was Sir William Pultney (afterwards Earl of Bath), to secure from Germany, settlers for a tract of land in the Genesee Valley, New York, which had been granted to the Association. In 1792 he brought about sixty German families from Hamburg by way of Philadelphia to the Genesee Valley.

Charles Williamson, whom La Rochefoucault calls Captain Williamson [478-9] was the chief agent of the Association at the settlement. Berczy and he disagreed, and Berczy brought his people (or most of them) to Upper Canada in 1794 under an arrangement with Governor Simcoe.

The Township of Markham, in the County of York, was selected, and there Berczy settled some sixty-four families. Difficulties arose about the patents for lands, and Berczy was compelled to appeal to the Home authorities, with some temporary but little ultimate success. The story is not pleasant reading.

Considering himself wronged by the Upper Canadian Government he left the Province in 1805 to reside in Montreal—there he employed his talent for painting to earn a livelihood.

In 1812 he left for New York, where he died in 1813.

He was an able, active business man, honourable in all his dealings so far as known. La Rochefoucault seems (as often) to have accepted the statements of an enemy as giving a fair representation of character. Those interested in Berczy and his settlement may consult Morgan's "Sketches of Celebrated Canadians," 1862, pp. 110-113; Robinson's "History of Toronto and County of York," 1885, Vol. 1, pp. 114 sqq.; Canniff's "Early Settlement of Upper Canada," p. 363; Miles & Co. "Atlas of the County of York," 1878, pp. xiv, xv.

³⁰ John Stuart, 1740-1811, born at Harrisburg, Pa., the son of Andrew Stuart, a Presbyterian. Desiring to join the Church of England, he went to England and received ordination in 1770. Returning as a priest, he became a missionary to the Indians on the Mohawk River, Fort Hunter, where he served for seven years, translating the New Testament into the Mohawk language. He remained loyal on the breaking out of the Revolutionary war, escaping to Canada, St. John's, in 1781 where he became Chaplain to a Provincial Regiment. Settling permanently in Kingston in 1783, he became the first incumbent of the church there in 1791. His son, George O'Kill Stuart, Archdeacon of York, is better known. See Miss Machar's "Story of Old Kingston," pp. 161, 162; Morgan's "Sketches of Celebrated Canadians," p. 126.

³¹ See an article in the *Canadian Law Times* for July, 1915 (33 Can. L. T., 580), "The First Medical Case in the Province."

³² Joel Stone of Gananoque, born at Guilford, Connecticut, 1749; a direct descendant of William Stone, who sailed from London, England in 1639. Stone's father, Stephen Stone, removed with his family from Guilford to Litchfield in 1751 and there the lad grew to manhood. He went into business in that town but soon was forced to leave Litchfield on account of his loyal sentiments freely expressed. Going to the British lines in New York, he took up arms and reaching the rank of captain continued to serve the King until the evacuation of New York by the British troops. In 1783 he sailed to England but came thence to Canada in 1785 or 1786. He determined to take up the land to which he was entitled in virtue of his rank and services.

He obtained a grant west of Gananoque River where he settled in 1792, at a place called by the Indians Cadanoghue (variously spelled, but our Gananoque), "Rocks in Deep Water." There he founded the town of Gananoque and built the mills described in the text and other mills; he also engaged in general business and became wealthy, as wealth was estimated in those days. He was the first Collector of Customs at the Port, and in 1809 became Colonel of Militia. Gourlay speaks of visiting him in 1818. "a worthy gentleman" (see my *Life of Gourlay*, 1916, p. 67); and a worthy gentleman he continued till his death in 1833.

A short account of Stone's life will be found in "Clan Donald," a brochure privately printed, presented to the Riddell Canadian Library by H. M. Mowat, Esq., K.C., a descendant of the wife of Col. Stone.

The Johnson who is spoken of in the text as owning the opposite shore was Sir John Johnson, "Knight and Baronite" (son of Sir William Johnson) who afterwards sold this land to Charles and John Macdonald.

³³ In the accounts of the various routes from Montreal to the Illinois, the original French text should always be consulted, as the translator makes absurd blunders in several instances.

Page 523: "Ils étaient partis de Montréal: leur route est par le lac Ontario, le lac Érié; ils remontent la rivière de Miami, puis, par un portage de six à sept milles, ils regagnent la Theahikriver, qui donne dans celle des Illinois, ou celle de Wabach, qui y communique par plusieurs petits creeks, séparés par des courts portages; enfin ils se dirigent vers la partie du pays des Illinois, etc." "They left Montreal: their route is by Lake Ontario and Lake Erie; they ascend the Miami River, then by a portage of six to seven miles they reach the Kankakee which flows into the Illinois or the Wabash, which there connects by several small creeks separated by short portages; then they go toward that part of the Illinois country, etc."

Page 524: Another way is this: "On remonte la rivière des Ottawas ou la grande rivière jusqu'au lac Nipissin, et de-là par la rivière des Français (Frenchman's river) on arrive au lac Huron. Dans cette seule navigation on recouvre trente-six portages, à la vérité très-courts. Du lac Huron on entre le lac Michigan par le détroit de Michilimackinack, ensuite dans la green bay, du fond de laquelle on passe dans la rivière du Crocodile, puis par le lac du ris (rice lake) et par la rivière Saxe, on parvient après un court portage à la rivière Ouisconsin qui se jette dans le Mississipi que l'on descend jusqu'à la rivière des Illinois, qu'alors on remonte." "You ascend the Ottawa or Grand River to Lake Nipissing and thence by the French River to Lake Huron, encountering thirty-six short portages. From Lake Huron you enter Lake Michigan by the Straits of Michilimacinac, then into Green Bay [in Wisconsin], from the head of Green Bay [not, I think, the present Fond du Lac], you pass into the Crocodile River [Fox River], then by Rice Lake [Puckaway Lake] and by the River Saxe [the Upper Fox River] after a short portage you reach the Wisconsin River which flows into the Mississippi which you descend to the Illinois, which you then ascend."

For an account of the route in Wisconsin see "Wisconsin Historical Collections," Vol. ii, p. 109, cf. do., Vol. xiii, pp. 307, 308; Vol. xx, p. 362.

It seems odd that the Lakes Winnebago (des Puans, des Puants, Puan or St. Francis) and Big Buttes des Morts (Death Lake) are not mentioned, but probably they were looked upon as expansions of the (lower) Fox River, called by La Rochefoucault the Crocodile River (I cannot trace this name). The Rice Lake (Puckaway) was also called Rush Lake—a description of it and of the wild rice growing in it is given in the Wisconsin Hist. Coll., Vol. viii, p. 291—the rice was the *zizania* which grows in our own Rice Lake and was gathered in the same way. In the early 30's a canal was dug almost on the line of the old trail from the lake to the Wisconsin; but it proved to be of little use as it never was full except when the Wisconsin was high. The present canal at Portage is a little higher up the river.

The name "fond du lac" was applied to the most distant end of many bodies of water, e.g., to Sault Ste. Marie, Michilimacinac, the Fond du Lac of Lake Superior, Burlington Bay, etc.: "tête du lac," "bout du lac," etc., were other terms used in the same way.

Page 525: Another way is: "la même route que l'on prend de Montréal jusqu'au détroit de Michilimackinack, on le laisse à gauche pour entrer dans le lac supérieur, et le traverser jusqu'au grand portage, et de-là au lac des bois, etc., etc." "The same route which one takes from Montreal as far as the Straits of Michilimacinac—these are kept to the left to enter Lake Superior; cross Lake Superior to Grand Portage and then to the Lake of the Woods, etc., etc."

"Grand Portage" was at the head of a bay on the N.W. shore of Lake Superior some five miles above the mouth of the Pigeon River. At that place

there was a portage of nine miles northerly to the widening of the Pigeon. It was the great halting and gathering place for voyageurs and a very important depot for the fur trade; but when in 1803 the united Hudson Bay and North-West Companies erected a post at the mouth of the Pigeon River (called Fort William after William McGillivray, one of their partners), Grand Portage lost its importance.

It is thought that it was the belief that Grand Portage would pass to the United States which caused the erection of a post at Fort William. Grand Portage is near the international boundary and is now a small lakeside hamlet in Cook County, Minnesota.

Fairly full accounts are given of this place in the "Wisconsin Historical Collections," Vol. xi, pp. 123-125. In a note on p. 124 will be found the route followed from Grand Portage to the Lake of the Woods. On page 579 the route of the fur traders is given.

Page 579: "Les expéditions partent de Montréal en juin et emploient environ six semaines pour se rendre au fort du grand portage, il faut quelques jours de moins pour arriver à celui de Michilimackinack; ils partent de Montréal en canots par caravannes de huit à dix, et ils vont à leur destination en suivant la fleuve St. Laurent depuis la Chine jusqu'au lac des deux Montagnes, remontant la rivière *Utacoha*, par elle au lac Nipissin, et de-là par la rivière des Français dans le lac Huron et au fort Michilimackinack, puis à celui du grand portage." "The expeditions leave Montreal in June and take about six weeks to arrive at the Fort of Grand Portage, it takes a few days less to get to the Fort at Michilimacinae. They leave Montreal in flotillas of eight to ten canoes and go up the St. Lawrence from Lachine to the Lake of the Two Mountains, ascend the Ottawa to Lake Nipissing, thence by the French River to Lake Huron and Fort Michilimacinae and finally to the Fort at Grand Portage."

³¹ The proclamation giving the name Ouse to what was then and is now called the Grand River, is dated July 16th, 1792.

³² Sir Frederick Haldimand, 1718-1791, born at Neuchâtel, Switzerland, joined the Dutch army as a soldier of fortune, and was appointed Lieutenant-Colonel of 62nd Royal Americans (afterwards the 60th Foot) in 1756. He went to America in 1758, took part in Ticonderoga, and served with Amherst at Montreal in 1760. He remained in Canada till 1766, when he was appointed to command in Florida, remaining in command till 1778. He was in command in New York for a time, but in 1778 he was appointed Governor of Canada, succeeding Sir Guy Carleton, continuing in that post till he went to England in 1784. He died at Yverdon in the Canton of Neuchâtel in 1791.

His governorship of Canada has been represented (and not wholly without justification) as an arbitrary rule; but he was a soldier, he did not believe in lawyers and the times were very critical for British rule. What with the plotting Americans and the discontented French-Canadians, Haldimand did not have an easy or a pleasant task; and he probably did as well as most could have done.

His manuscripts, copies of which are in the Dominion Archives, are of great value to historians of Canada.

³³ It is difficult to trace the very many members of the Clan Macdonell who have done good service to the Empire. J. A. Macdonell, K.C., of Alexandria, in his work on Glengarry in Canada, 1893, has given an account of many; he has been good enough to inform me that this gentleman was Angus Macdonell. He was the son of Alexander Macdonell, of Aberchalder, who settled in Tryon County in the Mohawk Valley and with all his family remained loyal during the Revolution.

His brother, Colonel John Macdonell, was Speaker of the first House of Assembly in Upper Canada, and another brother, Hugh Macdonell was a member of the same house; John became a Lieutenant-Colonel in 1803 but was a subaltern officer at the time of La Rochefoucault's visit. Another brother, Chichester Macdonell, did not remain in Canada after the peace of 1783, but did good service for his King elsewhere.

²⁷Alexander MacKenzie (the name is variously spelled), a Scotsman, probably born in Inverness, 1755, came to this continent at an early age and was stationed at Fort Chippewyan, at the head of Lake Athabasca. His account of his two journeys, "Voyages on the River St. Lawrence and through the Continent of North America to the Frozen and Pacific Oceans," printed in London, 1801, is not very rare; it contains a most interesting account of the natives, and is prefaced by a historical account of the fur trade. Knighted in 1802, he returned to Scotland, where he died, 1820.

²⁸Father Casot. In *The Jesuit Relations*, etc., Thwaites' edition, Cleveland, 1901, at p. 111, Father Casot is spoken of as the only living Jesuit in 1791; the note on p. 395 reads: "'On the death of Father Well, towards the end of March or the beginning of April, 1791, Father Casot came up to Montreal and anticipated the cupidity of the English Government by giving away in charity every movable possession of the Montreal Jesuits (Amer. Cath. Hist. Res., Vol. V, p. 34). On page 38 of *Researches* here cited is reprinted the following extract from the *Montreal Gazette*, April 7th, 1791: 'The Reverend Father Casot, procurator of the Jesuits of this Province, arrived at the residence in this town shortly after the death of his confrère. Father Well. The noble and generous manner in which he disposed of the money and effects of this house is worthy of the greatest praise and deserves to be recorded in the annals of benevolence. He distributed the corn which he found, in quantities of fifty and a hundred bushels to the hospitals and to other indigent poor; he made surprising gifts of money of two, three, four and even ten thousand francs; in short, he extended a helping hand to those whom shame restrains from making known their wants. His hand is always open to the poor of this class, by whom he was happily beset up till yesterday, which was the day of his departure. Not one person came out from his house without having felt the benefit of his disinterested charity.'

Cf. the following extract from the *Quebec Gazette*, March 20th, 1800 (as cited in Christie's *Hist. of Canada*, Vol. 1, p. 207) regarding Casot's death. 'On Sunday last, the 15th inst., died the Reverend Father Jean Joseph Casot, Priest, of the Company of Jesus, procureur of the missions and colleges of the Jesuits in Canada, the last of the Jesuits of this province. The immense charities which he bestowed assure him for a long time, the blessings of the poor. He was one of those men whose life was a hidden treasure, and his death is a public calamity.'

²⁹From notes kindly furnished me by M. Aegidius Fauteux, Librarian of the Sulpician Library, St. Denis Street, Montreal, an ardent student of early Canadian history.

³⁰It is not without interest to note that it was (Sir) David William Smith who, when Deputy Surveyor-General of Upper Canada, was the first to open a Register for the entry of meteorological, barometrical and thermometrical observations (August, 1794); he invited by public advertisement in the *Upper Canada Gazette* communications of that nature from all parts of the Province. See "The Legal Profession in Upper Canada in Early Times," p. 185, n. 13.

³¹"Les Bibliothèques Canadiennes / Etude Historique / par / Aegidius Fauteux / Extrait de la Revue Canadienne, / Montreal, / Arbour & Dupont, Imprimeurs—Éditeurs, / 249 rue Lagachetière Est., / 1916," 8vo., paper, pp. 45. See pp. 25, et seqq.

³²See the same book, pp. 26 et seqq.

³³Frobisher & McTavish, North West Company. An interesting account of Frobisher and McTavish, and of the North West Company is given in Vol. 1 of "Masson's *Les Bourgeois de la Compagnie du Nord-ouest* etc." Quebec, 1889. The struggles between this Company and Lord Selkirk is part of the thrilling history of our North West which I cannot even touch on here.

Some account of Frobisher will be found in "Borthwick's Montreal History and Gazetteer, 1892." See p. 356.

It must here be sufficient to say that Joseph Frobisher was one of the most distinguished of the early British explorers and traders. As early as 1772 he had passed beyond Lake Superior and soon established a flourishing fur trade. He did not remain in the interior in the winter, but came out to Grand Portage on Lake Superior. He was one of the founders of the North-West Company and exceedingly active in its management. He retired in 1798 and thereafter lived in Montreal.

With his brother Thomas he formed the firm of Frobisher Brothers. Thomas retired in 1778 and a younger brother, Benjamin, took his place in the firm. Benjamin died in 1790. (Another Benjamin Frobisher, whose death in 1819 was one of the many tragedies of the West, was a nephew.)

Simon McTavish was quite as energetic and successful a fur trader as Frobisher and of much the same type. He was "a shrewd and autocratic Highlander" and enjoyed the appellation "Premier" or "Marquis" of the Canadian fur trade till his death in 1804.

Until 1783 the fur trade was carried on individually; "unrestrained competition wrought great evils, the Indians were debauched and the traders being without legal restraint grew lawless." Several times interests were pooled for a brief period. Finally in the winter of 1783-84 a sixteen-share company (really a partnership) was formed for five years at Montreal, of which the Frobisher Brothers and Simon McTavish were agents: the other (or wintering) partners dwelt at their posts in the far North-West. The general rendezvous was at Grand Portage on Lake Superior.

In 1785 a rival company was formed, which brought about a very severe struggle and resulted in a union of the two companies in 1787. This was also called the North-West Company, and it was to run for "nine years with twenty shares." This reorganized company was more successful even than the original; and under its auspices Alexander MacKenzie made his voyages of discovery.

At the time of La Rochefoucault's visit the managers were Joseph Frobisher and Simon McTavish. Afterwards, in 1798, the company was again reorganized "with forty-six shares—some of the old partners retiring and clerks being promoted to partnership."

In 1801 MacKenzie, with Richardson, Forsyth & Co., of Montreal, and Phyn, Inglis & Co., of London, formed an opposition company, commonly known as the X Y Company, sometimes the New Company or MacKenzie's Company; and there was again bitter competition.

On the death in 1804 of Simon McTavish the two companies united, and this united company continued till 1821, when it sold out to the Hudson's Bay Company. See Wis. Hist. Col., Vol. xix, 163 sqq.; Chester Martin's "Lord Selkirk's Work in Canada," which gives an entertaining account of the life of the partners in Montreal and at the Posts. Masson's "Bourgeois de la Compagnie du North-West," *passim*.

It perhaps should be added that in 1785 Simon McTavish, Joseph Frobisher, John Gregory and William McGillivray formed the Montreal firm of "McTavish, Frobisher & Co."

It may be of interest to know the persons forming the company in 1804. They were John Gregory, William MacGillivray, Duncan McGillivray, William Hallowell, Roderick McKenzie (the partners in the House of McTavish, Frobisher & Co.), Angus Shaw, Daniel McKenzie, William McKay, John MacDonald, Donald McTavish, John McDonell, Archibald Normand McLeod, Alexander MacDougall, Charles Chaboillez, John Sayer, Peter Grant, Alexander Fraser, Eneas Cameron, John Finlay, Duncan Cameron, James Hughes, Alexander McKay, Hugh McGillis, Alexander Henry, John MacGillivray, James McKenzie, Simon Fraser, John Duncan Campbell, David Thompson, John Thomson, Sir Alexander MacKenzie, Thomas Forsyth, John Richardson, John Forsyth, Alexander Ellice, John Inglis, James Forsyth, John Ogilvie, Pierre Rocheblave, Alexander McKenzie, John MacDonald, John Mure, James Leith, John Wills, John Haldane and Thomas Thain. This sounds like a roll-call of the clans, and one wonders what the Frenchmen, Chaboillez and Rocheblave, and a straggling Sassenach or two are doing *dans cette galère*.

In the table given pages 575, 576, taken from Count Andriani, the place-names Niagara, Lake Ontario, Detroit, Lake Erie, Michilimakinak and Lake Huron need no explanation. In the other place-names the author has in some cases misunderstood or miscopied and the translator in others.

Michipicoton on the Michipicoton River was a small French fort and a dependency on the larger one at Nipigon.

"Pic" (Le Pic or Peek) was a trading post on the north shore of Lake Superior about 200 miles from Sault Ste. Marie. It was not founded until after the beginning of the English regime. Probably it belonged to Cotté, who was an independent trader and did not join the coalition. Later the post passed into the hands of the North-West Company, and for many years was maintained by the Hudson's Bay people. The Canadian Pacific Railway now crosses Pic River near its mouth and not far from the site of the old fur trade post. Wis. Hist. Coll., Vol. xix, p. 270, n. 84. The Pic empties Lake McKay and flows into Lake Superior at Heron Bay.

Alampicon is Allmipigon, Alepinigon or Ounepigon, our Nepigon or Nipigon on Lake Nepigon.

"The first post founded on the lake was built by Duluth in 1684, and was held by his brother, Sieur de la Tourette, as late as 1688. It was located on the northern shore of Lake Nipigon and sometimes was called Fort La Tourette. The later French post (founded probably after the rebuilding of Mackinac, 1713), was at the mouth of the River Nipigon on the north shore of Lake Superior. Alexander Henry saw the ruins of this post when he passed in 1775 and remarked on the fine furs obtainable there." Wis. Hist. Coll., Vol. xviii, p. 191, n. 46. These posts were established by the French to draw the trade away from the English at Hudson Bay. After the conquest the English continued the trade in that district.

Grand Portage is spoken of in note.⁸³

Fond du Lac is not the Fond du Lac at the head of Lake Winnebago in Wisconsin, but the Fond du Lac of Lake Superior where the present Superior City (Wisconsin) stands. The post was apparently at the base of Connor's Point, near the city gas-works. Wis. Hist. Coll., Vol. xix, p. 173 n.

La Pointe (which the translator absurdly enough calls "Point of the lake") and Baie de Guloavanan (which the translator calls Bay of Guivar-anum but which is almost certainly du Chequamegon, Chagaouamigon, Chegoiwagon, Shagawaumikong, etc., etc., St. Esprit, La Pointe, Wisconsin) are really the same place, or at least are very close together, possibly one on the point on the mainland and the other on the island now called Madeleine Island. An interesting description of this place is given in Wis. Hist. Coll., Vol. xiii, pp. 199-201, 401-425; Vol. xi, p. 372: In Vol. i, p. 123, we are told that the name "Mo-nung-wab-na-can-ing" was also given to this place on account of the great abundance there of the bird of that name, which we call the yellow wood-pecker.

M. Fauteux suggests that by "Guloavanan" the author means "Kion-conan" (Kiaonan, Kiwewenan, Kewiwenon, Quinywenong, Keowkonenan, Anse Keewyweenon, Keweewena), Keweenaw, Michigan. That there was a post at this point at some time seems reasonably certain and there may be more resemblance between the word used by La Rochefoucault and some of the many names for Keweenaw than between that and any of the names for La Pointe. Those interested will find a number of references to Keweenaw and the fur trade there in the Wis. Hist. Coll. See the Index at p. 260.

"I have had great difficulty in discovering anything about Count Andriani—his name does not appear in any Biographical or Literary Dictionary that I have seen.

From what is said [591] he seems to have pursued his researches with the approval of the British Government—the original text is rather perverted in the translation, it reads "*la facilité que les ordres du gouvernement anglais lui ont procurée pour ses recherches*" i.e., "the facilities for his researches which the orders of the English Government procured for him."

He travelled "in the interior parts of America in the year 1791" [575]: but he certainly wrote to a considerable extent before that time.

We find Colonel David Humphreys, Washington's Aide-de-Camp, writing to Washington under date 31 October, 1790:—

"The Count Andriani has written things monstrously absurd and ill-founded; such, in respect to their import, as follows: That the United States are divided into two factions, Mr. Jefferson and the northern States in favor of France, the southern States and New York in favor of Great Britain; that Congress had done nothing but quarrel about the seat of government, and that this circumstance was what probably gave you the air of anxiety, which he had remarked; that there was no man in Congress but Mr. Madison, who argued in a gentlemanlike and solid manner, nor, in short, any man out of it in America but Colonel Hamilton, who possessed abilities; with a great deal about American parade and luxury, not worth repeating."

Washington's reply was such as would be expected:—

"The remarks of a foreign Count are such as do no credit to his judgment, and as little to his heart. They are the superficial observations of a few months' residence, and an insult to the inhabitants of a country, where he has received much more attention and civility than he seems to merit."

In a letter from John Paradise to Washington, received in June, 1790, is the following:—

"I avail myself of the opportunity afforded me by my friend, Count Andriani, of conveying to you an Ode, which Count Alfieri, the author of it, desired me long ago to convey to you. . . ."

In the Madison Papers there is a letter from Count Andriani, dated New Orleans, March 11, 1808, in which he speaks of a prospective visit to New York or Virginia. In the same collection there is a letter of introduction from Philip Mazzei to Madison, dated March 23, 1790; and also a letter from Benjamin Rush to Madison, described as follows:—

"1790, July 17, *Philadelphia*. Count Andreani, as described in Madison's letter. The natural productions of the United States explored and described only by foreigners who are imperfectly acquainted with our language and who derive first impressions of us through British publications. The "residence" bill gives general satisfaction in Philadelphia. Our domestic debt." 4°. 3 pages.

In the "Archivio Storico Lombardo" 1881, v. 8, p. 312 is found the following in respect of a balloon ascension and a previous voyage to the East Indies:

"Il cav. Paolo Andreani, che già aveva fatto parlare di sè pel suo viaggio nelle Indie Orientali, s'invoglio di quegli sperimenti, ideò delle innovazioni, assistito (scrive il *Giornale Enciclopedico*) dal governatore Ferdinando, che si diletta di simili ricerche; e il 13 marzo 1784 fece una ascensione dalla sua villa di Moncuoco. Gli furono compagni due falegnami, Gaetano Rossi e Giuseppe Barzago.

"Don Paolin col so ballon l'è andaa
Mi credi, finna al terz ciel, comè Sant. Pavol
Perchè anca lù l'è vegnuu giò incantaa."

In the diary of Ezra Stiles, clergyman, scientist, lawyer, scholar, President of Yale College, under date July 11, 1790, is found the following entry.

"11 Ldsdy. Confined at home all day by illness. Count Andreani, a Nobleman of Milan, visited me on the Tour of America with Lett. from Dr. Price of London."

(These references I owe to the kindness of the Librarian of Congress.)

I have not been able to trace Andriani's journal: it does not appear to have been printed—it is not in the British Museum, the Congressional Library at Washington, the Parliamentary Library at Ottawa or Toronto, the Public Library of New York, Boston or Toronto—and no one seems ever to have heard of such a volume anywhere. Outside of those contained in this note and that in Chester Martin's "Lord Selkirk," p. 17, all the known references derive from La Rochefoucault. La Rochefoucault seems to have seen Andriani's journal, but where, when, or in what form, he does not say.

GENERAL REMARKS.

Page 385. The Fort at Detroit dates back to 1701 when Cadillac with a priest and about a hundred men, established a fort on what is now Jefferson Avenue—an earlier fort at Fort Gratiot built in 1686 had been abandoned.

La Rochefoucault is out in his chronology when he says, "L'établissement du Détroit a été fait en 1740."

Page 395. The "femme jolie, douce, aimable" of Captain Hamilton was Louisa, daughter of Dr. David Mitchell referred to in note¹³; and the "Six enfants dont il est entouré" were her children—she died in 1801. Some of her descendants are still living. "Diary of Mrs. Simcoe," pp. 284, 285.

Fort "Slusher," "Schuyler," was, of course, Fort Schlosser—"the author misnames the fort," says the translator, truly; but so does the translator.

Page 402. Jacques Pierre de Taffanel, Marquis de la Jonquière came to Canada as Governor in 1749, succeeding Count de la Galissonnière: he stopped English trade on the Ohio by arbitrary seizures, and in 1750 built Fort Rouillé (on what is now the Exhibition grounds, Toronto), to counteract the influence of Fort Chouayen or Oswego, built by the British in 1722—this La Rochefoucault calls, and not without justice, "d'assurer au commerce français la liberté des lacs."

The first post at Toronto was established by Denonville in 1686 "au portage de Toronto"—this was not fortified. In 1749 or 1750, according to some but more accurately in 1751, a fort of stone was built by La Jonquière to which he gave the name Rouillé but which was popularly known as Toronto—this was demolished a few years later, 1756 or 1760 (the date seems uncertain). Toronto became York in 1793 and regained its old name in 1834; "Muddy York" like Troja, fruit.

La Jonquière monopolized the sale of brandy to the Indians and made enormous profits: fearing an investigation by the French authorities he demanded his recall—but before a successor could be appointed he died at Quebec in 1752, and was buried in the Récollet Church there.

Page 415. It is said that the first exportation of grain from Canada was in 1752, when two ships laden with wheat were sent from Quebec to Marseilles.

Page 420. In view of the scheme of Simcoe concerning "une autre ville projetée sur la Tamise, . . . qu'il nomme déjà . . . Chatham," it is interesting to note that Dr. John Howison, the "Traveller," speaks of the speculation in 1819-20 in building lots at "a spot called Chatham: it contains only one house and a sort of church, but a portion of the land there has been surveyed into building lots and these being offered for sale have given the place a claim to the appellation of a town"—which has a familiar sound. See an article "Upper Canada in Early Times," Canadian Magazine, May, 1913.

As the present edition of La Rochefoucault is printed from Smith's copy, the following may prove of interest.

In a work published by Smith in 1799, of which the title page is "A Short / Topographical Description / of / His Majesty's Province / of / UPPER CANADA / in / North America. / To which is annexed / A Provincial Gazetteer. / London: / Published by W. Faden, Geographer to His / Majesty, and to His Royal Highness the Prince / of Wales, Charing Cross. / 1799. / Printed by W. Bulmer and Co. Russell-court, Cleveland Row, St. James's," on pages 39 and 40 this appears:

"About 15 miles up the river Thames" (the name of the river is "Sinclair" in the original but Sir David in his own copy, now in the possession of Professor Bain of the University of Toronto, has corrected

it to "Thames"), "is the town of Chatham, situated in a fork of it, on a very desirable spot, so well protected, and so central, that as the population increases, it will doubtless become a large and flourishing place; a block house was erected here by His Excellency Major-General Simcoe, and it was made a depot for the fine whale boats, which were built by His Excellency's directions. Indeed it possesses many advantages: the point is extremely well suited for the launching of vessels, and the river is sufficiently deep for those of any size; so that a secure arsenal and building place and an excellent dock might be made in the lesser branch of the forks, upon which there is now a mill.

"Flrs are easily floated down from the pinery above, and other kinds of timber necessary for ship building may be procured by water carriage.

"Its greatest disadvantage is the bar across its *embouchure* into lake St. Clair; but that is of sufficient depth for small craft rigged, and for large vessels when lightened; and it would answer as a good winter harbour for any vessel which navigates the lakes, if she made herself light enough to pass over the bar, and go into the river; and this might easily be effected for all vessels, by having a flat-bottomed lighter stationed at the mouth of the river for that especial purpose.

"About 20 miles above Chatham is a village of Moravians, under the guidance of four missionaries from the United Brethren; and here they have a chapel. The converts are Indians, who are peaceable and civil; their principal employment is in attending to their corn-fields, and to the making of maple sugar; above the village, on the river, is a large spring of petroleum. Passing upwards from the Moravian village, the Thames continues a fine serpentine canal, without falls, with a natural tracking path great part of the way."

Page 422. Lord Dorchester was now 71; but that, being "vieux" and "un veillard, il répugne aux idées nouvelles," is a fancy of La Rochefoucault, quite baseless. See note on [528.]

Page 458. De la Jonquière has been already spoken of. What the author says is that where Fort Niagara now stands is "où M. de Denonville avait construit une redoute," (where M. de Denonville had built a redoubt). Jacques René de Brisay, Marquis de Denonville was a distinguished French soldier, selected for his valour and military skill to replace La Barre as Governor of Canada in 1685. In 1687, notwithstanding a threatening letter from the English Governor of New York, he went with a body of men and after a skirmish with the Indians, erected a small fort at Niagara, garrisoning it with 100 men. An epidemic broke out in the garrison and destroyed nearly all; the few survivors abandoned the fort, which was then speedily destroyed by the Indians.

It was in Denonville's time (1689), that the Iroquois laid waste the Island of Montreal, slew all who opposed them and carried off two hundred prisoners; he was relieved in 1689 by Frontenac, who then assumed the Governorship of Canada for the second time.

The forts delivered up under Jay's treaty were Dutchman's Point, Point au Fer, Oswegatchie, Oswego, Niagara, Buffalo, Detroit and Michillimacinae.

Page 479. Father Charlevoix, *nomen venerabile* in French Canada. Pierre François Xavier de Charlevoix (1682-1761), the French Jesuit traveller and historian: came to Quebec in 1705, where he became a Professor: after four years' residence there he returned to France, but came to Canada again in 1720 and 1721: from Canada he went west and down the Mississippi. Returning to France, he wrote many important books on America, especially the very valuable "*Histoire et description générale de la Nouvelle France*," 1744.

Kingsford, *History of Canada*, Vols. II and III, gives a good account of his work on this continent, Vol. II, pp. 410, 511, 512; Vol. III, 173, 174n, 367, 368, 369.

Pages 487, 488. Notwithstanding the professional soldier's (Smith's) very natural indignation, most at the present time will probably agree with La

Rochefoucault in thinking the hair powder of the British soldier as absurd as the paint of the Indian.

Page 494. The displeasure felt by the inhabitants of Kingston at their city not becoming the capital of the Province—"le chagrin de renoncer à voir leur ville devenir capitale"—was most natural; and a strong recrudescence of this displeasure became manifest nearly half a century after this time when Kingston was disappointed in her hope of becoming permanent capital of the United Canada. She was too near the border, and the wanton destruction of the Parliament and other public buildings in York in the war of 1812-14 has never been forgotten.

Page 498. René Robert Cavelier, Sieur de la Salle, born at Rouen, 1643, of a bourgeois family, came to Canada about 1666 and proceeded to explore the interior, apparently seeking a route to China. In 1669 he went up Lake Ontario, thence to the Ohio River, down which he went perhaps to the Mississippi. After other adventures he returned to Montreal and after a visit to France, he, in 1678, started from Fort Frontenac (Kingston), for the west. He went as far as Green Bay (Wisconsin), and then southward. Later on he sailed down the Mississippi to its mouth, and after many vicissitudes he was murdered by his men (1687), in the present Texas. Parkman's "La Salle and the Discovery of the Great West;" Shea's "Early Voyages up and Down the Mississippi" (Albany, 1861), and Kingsford's "History of Canada," Vol. I, give a full account of La Salle and his labours.

Page 503. As to sheep in Upper Canada, a German traveller, Friederich Gerstaecker, says that in 1837 when he visited Upper Canada it was the belief that the bite of the Canadian wolf was poisonous, so that sheep bitten by a wolf were sure to die. "An Early German Traveller," Queen's Quarterly, May 14, 1913.

Page 515. The Captain Bouchette here named was the father of the better known Joseph Bouchette, also in the navy at this time on the Great Lakes, who became Surveyor-General of Lower Canada, and published invaluable books on the geography and topography of British North America.

A very good account of the entry of Quebec by the Governor is given by Dr. Benjamin Sulte, "Bulletin Recherches Historiques" for 1899, pp. 317, 318. Of Captain Bouchette it is said, "Bouchette fut nommé Commandant sur le lac Ontario après la guerre et servit avec autant de zèle que d'intelligence; il mourut dans ce poste en 1802. Son fils Joseph fut le géographe dont les travaux n'ont pas été surpassés même en Europe." The eulogy of neither father nor son is overdrawn in the slightest. Kingsford, Hist. Can. Vol. v, p. 462 gives a less full account of Bouchette's exploit.

The son became Surveyor General of Lower Canada in 1804, succeeding his uncle, Major Holland (from whom Holland Landing received its name) who had died in the preceding year.

Page 536. Captain Williamson was the agent with whom Berczy quarrelled. See note ², pp. 178, 179 ante.

Page 553 (also Page 518). Of course botanists do not all use the same terminology. For example, what I have called the *betula papyracea*, some call the *betula alba*, var. *papyracea*.

Prof. Harold St. John has made the same conjecture as myself (and independently) as to what La Rochefoucault means by "frangier"—he writes me:

"'Frangier' is somewhat troublesome, but I think we can say with reasonable certainty what it is. In Van Wilk's Dictionary of Plant Names, 298, 1911, I find *Chionanthus virginica* called there 'arbre à frange.' In no book can I find the term 'frangier,' but it is not a very far cry from

'arbre à franges' to 'frangier,' and there are certainly many analogous cases in the French usage, such as pommier, cerisier, and similar other ones.' (Gray gives the habitat of the *C. Virginica* as from Pennsylvania south.)

Prof. St. John says concerning "Ragoumimex":

"In the Dictionaire de l'Academie Française I find 'Ragouminier' defined as 'espèce de cerisier à grappes.' This is presumably applied to any cherry with a raceme of fruits, such as *Prunus serotina* as you suggest, but in Provencher's Flore, I, 167, he uses the same colloquial name, 'Ragouminier,' for *Cerasus pumila* or *Prunus pumila*. Now, this species does not have the raceme of fruits such as suggested by the term 'cerisier à grappes.' Because of the confusion in this matter I don't think we can very definitely say which cherry is involved, but I think the chances are that it is *Prunus serotina*, as you suggest."

My friend Mr. D. O. Cameron has tried without success to grow the "papaw" at Oakville—it will not stand the winter.

Page 553, note. "Formius, a physician of Montpellier," who recommended maidenhair as "an universal medicine" seems to be quite forgotten unless he is the same as Samuel Formy (or Formius) of Montpellier who flourished in the 17th century and of whose work the British Museum has a copy with the following title:—

"Traicté chirurgical des bandes, laqs, emplâtres, compresses, astelles, et des bandages en particulier, plus les observations des cures faictes par les bandes, laqs et compresses emplâtrées," Montpellier, 1651, 8°. (The date is erroneously printed MCDLL instead of MCDLI).

I have not been able to find in any library a copy of any work by a Formy or Formius, "De Adiantho." If such a work existed, no doubt the Adiantum was praised as a panacea for every ill. While one never hears now of Joe Pye the quack who used eupatorium for everything, there is still here and there still a believer in Samuel Thomson's lobelia—indeed, his school of medicine is hardly dead even yet though its last medical college closed its doors a few years ago.

Page 588. "Governor Coxe" was Nicholas Cox, Lieutenant Governor of Gaspé and Superintendent of the Labrador Fisheries. Born in 1724 and joining the Army at the early age of eighteen, he served King and Country for more than fifty years. He took part in the sieges of Louisbourg and Quebec, commanding a company of the 47th Regiment in the Battle on the Plains of Abraham. He also was on the staff of Sir Guy Carleton, Lord Dorchester, during the Siege of Quebec in 1776 by the Americans.

Appointed Lieutenant Governor in 1780, he went to Percé, built a house at New Carlisle and resided in his government; in 1784 he was given a pension for his faithful service to the Crown. He died in office, January, 1794. Further particulars of this useful and diligent public servant will be found in the "Bulletin des Recherches Historiques" for 1899, p. 146. He is mentioned by Kingsford, Hist. Can., Vol. vii, p. 199.

It may be added that a very comprehensive biography of La Rochefoucauld-Liancourt was published in Paris some years ago under the title: "Un philanthrope d'autrefois, La Rochefoucauld Liancourt, 1747-1827," par Ferdinand-Dreyfus, (with portrait), Paris, Plon-Nourrit, 1903, 547 pages.

(Pages 575, 576, note 44.) Since note 44 was in type, I have received, through the Italian Consul-General at Montreal, from the Royal Minister for Foreign Affairs (Italy), the following:—

"I beg to inform you that the Minister of the Interior has now informed me that he has received from the Superintendent of the State Archives of Milan concerning Consul Andreani, or Andriani, the following communication:

"In these Archives there cannot be found any documents wherefrom one might learn the origin of Consul Andreani or Andriani, of Milan, cited by Rochefoucauld in his travels in the United States and Canada, and who

made exhaustive journeys in the interior of America. It is probable that he belonged to the family Andreani, or Andriani, of whose life there does exist certain documents in these Archives of the IV century (Families); and to whom is preserved (in the Oratory of S. Tommaso del Borgo di Corenno), a noteworthy monument of the XIV century, bearing the well-known arms of the Andreani Family. In such case better results would be derived from the private archives, Sormani Andreani (Corso Vittoria, 2 Milano).

"In order to explain better and to facilitate any further inquiries, we make note of the following news preserved at these Archives.

"The 2nd September, 1748, Maria Teresa gave to Pietro Paolo Andreani, army lawyer of the Crown, the title of count, to pass on to his legitimate male descendants of the primogeniture, and analogous concession, was made to Giovanni Maria Andreani, Lieutenant of the Imperial Commission of Pavia, the 29th of April, 1751. (Heraldry cited.)

"2. From documents concerning the rights to bear the arms, it results that in 1770 the family consisted of the following brothers:

"Don Gian Pietro.

"Don Gerolamo, Royal Chief Justice.

"Conte Giovanni Mario, Lieutenant-General of the Province.

"Don Pietro Paolo, ducal Senator.

"Monsignor Salvatore, Bishop of Lodi; and Barnabite Order.

"3. Senator Pietro Paolo died in 1772; Count Giovanni Mario, Lieutenant-General of the Province, died in 1774 (Family Andreani, October 15th, 1774); Monsignor Salvatore, Bishop of Lodi, died in 1784 (Eubel Ecclesiastical Hierarchy, and G. Angnelli 'Lodi and its Territory,' page 38). In 1787 the measures to obtain right to carry the arms was still pending by the brothers Conte Gio Mario and Senator Pietro Paolo, but it does not result whether these are those two already dead, or of homonymous persons then living, because the proper documents were signed by an attorney. (Heraldry cited.)

"4. After that epoch there is mentioned only one Count Giovanni Mario, created by His Majesty Imperial Chamberlain in 1791, who died in August, 1830, and left two properties to the Bishop's Seminary at Lodi. That he belonged to the family above mentioned is evident from his attachment to Lodi and to the Barnabite Order, in memory of Mons. Salvatore; and the title of Chamberlain would show that he enjoyed great esteem, as had all his antecedents, fulfilling important functions of the State with great honour, as is said in a public document of 1772. (Heraldry cited.)

"Therefore, while it is not to be excluded that Conte Giovanni Mario Andreani, or Andriani, was the Andreani or Andriani mentioned by La Rochefoucauld, the fact that the celebrated author knew not the name renders every identification a hypothesis."

INDEX.

(~~12~~ Pages 1-14 are Introductory.

15-120, La Rochefoucault's narratives.
121-144, Sir David William Smith's comments.
145-189, my own notes.)

A.

Adet, Pierre Auguste, French Ambassador to the United States of America, 145, 174.
Amherst, General (Lord Amherst), 77; given Jesuit Estates, 103.
Andriani, Count, of Milan, 110, 111, 113, 114, 171, 184, 186, 189, 190.

B.

Bain, Dr. James, Librarian, Toronto, procured Sir D. W. Smith's papers, 3.
Bain, Prof. J. Watson, University of Toronto, owner of Sir D. W. Smith's papers, 3, 6, 12, 144.
Beauvais, M., Botanist in Southern States, 9.
Bellew, Mr., fellow traveller with La Rochefoucault, 64.
Berczy (Baty) William, spoken of, 61; quarrel with Capt. Williamson, 61, 188; real character, 130, 158; sketch of, 178, 179.
Birch-bark used for canoes and wigwams, 84.
Blacons, de, companion of La Rochefoucault, 7, 22; left La Rochefoucault, 53; Mrs. Simcoe's opinion of, 146, 174.
Botany of Queenston, 25; from Niagara to head of Lake Ontario, 55; near Kingston, 81, 99, 161, 162; of Upper Canada, 99, 164, 165, 188, 189.
Bouchette, Capt., 79, 133, 188; services to Dorchester, 80, 188; view as to proper capital, 80; opinion of French Canadian sailors, etc., 92.
Brant, Capt. Joseph, described, 48, 156; sketch of life, 177, 178.
Burlington Bay, trip to from Newark, 54; described, 54.
Burr, Aaron, met by La Rochefoucault, 9.
Butler, Col. John, 46, 127, 156; sketch of life, 177.

C

Canada, Lower, division line from Upper Canada, 27 (note*); constitution, 28; population in 1794, 28 (note†); described, 92 sqq.; separation from England, whether probable and advantageous to England, 95, 96, 121, 126, 130, 132, 158.
Canada, Upper, constitution, 26, 27, 28, 41, 43, 125, 147-150; division line from Lower Canada, 27 (note*); extent, 28; population, 28, 37; settlements in, 37; revenue, sources of, 39; courts, 40; districts, 40; newspapers, 57, 75, 158; religion, 58; clergy reserves, 58, 149, 158; separation from England, whether probable and advantageous to England, 62, 63, 78, 95, 96, 121, 126, 130, 132, 158.
Canadians (French) character, 92, 93, 167, 168; love for France and Frenchmen, 94, 124.
Carleton, Sir Guy (see Dorchester, Lord).
Cattle near Niagara, 53; near Kingston, 72, 73.
Charlevoix, description of Indians, accurate, 62; sketch of life, 187.
Chatham, founded by Simcoe, and his purpose, 34, 150, 186, 187.
"Chippaway," Royal sloop, described, 18.
Chippewa Creek, 16; saw-mills at, described, 23; grist-mills, 24; iron mine near, 24.
Clergy Reserves, 58, 149, 158.
Courts in Upper Canada:
Justices of the Peace, 39, 40.
Quarter Sessions, 40.
High Court of Judicature (Court of King's Bench and Court of Appeal), 40, 153, 154, 168.

Courts in Lower Canada, 105, 168.
 Cox, Nicholas, Governor of Gaspé, 117, 189.
 Crime in Upper Canada unpunished, 40, 176.
 Customs Duties in Upper Canada, high, effect of, 43, 44.

D.

Denonville, built entrenchment at Niagara, 52, 187.
 Detroit, 16; its garrison, population, trade, etc., 17.
 Diseases and their treatment (see Medicine), 54, 60, 158.
 Districts of Upper Canada, 40, 154.
 Dobson, Major, 76, 87, 131.
 Dorchester, Lord (Sir Guy Carleton), applied to for pass to enter Lower Canada, 26; he refuses, 86, 125; reasons for refusal, 87, 123, 130, 133; mild and just character of, 27; described as old, 35, 187; imbecile, 86, 163; uxorious, 107, 163; and jealous of Simcoe, 69; sketch of life, 172.
 du Barry, Mme., quarrel of La Rochefoucault with, 3.
 "Ducks," The, dangerous islands in Lake Ontario, 64.
 Dupetit-Thouars, companion of La Rochefoucault, 7, 62, 67, 174; sketch of life, 7; offered land in Upper Canada, 57; visits York (Toronto), 61; Mrs. Simcoe's opinion of, 146.

E.

Earl, Lieut., commanding "Onondago," 65; takes money from La Rochefoucault, 66, 67, 131, 158.
 Education in Upper Canada, 75, 76.
 Ellsworth, Oliver, Chief Justice, United States Supreme Court, fellow passenger with La Rochefoucault, not treated with respect by young Americans, 9.
 Erie, Fort, described, 16, 123, 124; reached, 15, 16; garrison, 17.
 Erie, Lake, trade, 17.

F.

Farming near Niagara, 24; near Kingston, 75; in Lower Canada, 97, 100, 101, 166.
 Fauchet, M., French Ambassador to United States of America, 145, 174.
 Faulkner, Lieut., 19; sneered at by La Rochefoucault, 22, 124, 146.
 Fauteux, M., Librarian, 12.
 Federal City (now Washington, D.C.), 11.
 Fish, abundant at Niagara and Lakes, 31, 150, 151; kinds, 49; how caught, 49, 127.
 Forbisher (properly "Frobisher") and McTavish, fur traders at Montreal, 111, 115, 170, 182, 183, 184.
 Fort Erie (see Erie, Fort).
 Fort Niagara (see Niagara, Fort).
 Fort "Slusher," 22.
 Forty-mile Creek (Grimsby), 53, 158.
 Fur-trade, 32, 33, 84, 85, 86, 96, 102, 112, 113, 115, 116, 117; Count Andrian's account of, 110, 111, 114.

G.

Gananoque, 82, 162, 170.
 Genet, E. C., French Ambassador to United States of America, 145, 173.
 Geology of Canada, 98; on River St. Lawrence, 108, 109, 110.
 Grain near Niagara, 53, 54; near Kingston, 71, 72, 74; when first exported from Canada, 186.
 Green, Mr., U. E. Loyalist from New Jersey, settled at Grimsby, his property, mills, etc., 53, 54.

H.

- Haldimand, General Frederick (Governor), 89, 181.
 "Halifax Currency," what, 72, 153.
 Hamilton, Captain James Mathew, Commandant at Fort Chippewa, 19, 21, 22, 146, 174, 175.
 Hamilton, Hon. Robert, of Queenston, 25, 146; his house, etc., 25, 146; character, 25.
 Hammond, George, British Representative in United States of America, 15, 26, 43, 67, 86, 130, 133, 145, 172.
 Hara, Captain, sloop "Chippaway," 18.
 Hill, Mr., fellow passenger with La Rochefoucault, 64.
 Hotham, Admiral, his victory, 88.

I.

- India, probable loss of to England, 63.
 Indians, drink rum, 18; effect of, 48; Yonnowshouans, 25; Simcoe's policy toward, 32, 33, 38, 42; paid by England, 41, 142; treatment of by colonists, 42; future for, 47, 48; visit of Tuscaroras to Simcoe, 44, 45, 47; visit to Tuscarora village, 59, 60; village described, 59; dress of Tuscaroras, 44, 45, 156; visit of Canawaga Indians, 48; Charlevoix' description accurate, 62; Indians near Kingston described, 81; employed to capture deserters from army, 80, 81; trade with, 84, 85; Indian villages in Lower Canada, 107, 108.
 Iron mine near Chippewa Creek, 24; near Three Rivers, 109; works at Three Rivers, 102, 103.
 Iredell, Mr. Justice James, met by La Rochefoucault, 9.

J.

- Jefferson, Thomas (President), visited by La Rochefoucault, 10; his farm machinery, etc., 10.
 Johnson, Sir John, land near Gananoque, 83, 180.
 Jonquière de la, settlement by, 25; built Fort Niagara, 51; Fort Rouillé (Toronto), 186.

K.

- Kingston, La Rochefoucault leaves Newark for, 63; arrival at, 66; described, 66, 69, 70, 71; Dorchester chooses for capital, 67, 188; reasons, 67, 68; no market at, 74.
 Knox, General Henry, entertains La Rochefoucault at his estate in Maine, 8.

L.

- Labour dear and scarce at Niagara, 25, 50, 53; at Kingston, 72, 76.
 Lacrosse game played by Indians, 45, 46.
 Land near Niagara, 24; value, 25, 53; how granted, 32, 35, 36, 43, 125, 151; policy of United States of America compared, 35, 36; clearing, 71; value at Kingston, 74; at Gananoque, 83; near Montreal, 97, 100; on the St. Lawrence, 107.
 La Rochefoucault, sketch of life, 3; works, 4, 189; travels, 3, 4, 7-12.
 La Salle, built ships at Kingston, 70; sketch of, 188.
 La Tranche (Thames) River, 29.
 Legislature in Upper Canada, payment of members, 40; meeting of, 50, 51, 129, 157.
 Lemoine, Ensign, 64, 87, 158.
 Littlehales, Major, 63, 131, 159, 175.
 London (Upper Canada) proposed Capital, 29, 68, 136.
 Long Point (Lake Erie) proposed port for London, 30.

Louis XVI, King of France, warned and befriended by La Rochefoucault, 3.
 Louis XVIII, King of France, dislike for liberalism, 4.
 Lownes, Caleb, companion of La Rochefoucault, 7.

M.

Maple fungus ("punk") used for tinder, 73, 74.
 Maple-sugar first seen by La Rochefoucault, 7; made at Detroit, 17; at Kingston, 73; use, 73.
 Medicine used at Niagara, 54, 60; at Kingston, 76, 160; generally in Upper Canada, 158.
 Militia proposed by Simcoe, 31, 153, 154; system in Upper Canada, 40, 41.
 Millers' tolls in Upper Canada, 24; in Lower Canada, 105.
 Mills above Niagara, 23; at Forty-mile Creek (Grimsby), 54; at Gananoque, 82, 83; at Montreal, 104; in Lower Canada, 105.
 Money, paper, used in Upper Canada, 18, 124, 130, 146.
 Montreal described, 101, 102; material of houses, 108.
 Morse, Dr. Jedidiah and his geography, 150, 175.

Mc.

Macdonell, Angus, Customs Officer at Oswego, 90, 164, 181.
 MacKenzie, Sir Alexander, employed French Canadian sailors, his voyages, 93, 164, 182.
 McLane, David, executed for treason at Quebec, 145, 174.

N.

Navy Hall, 38, 44 (and very frequently).
 Navy, Royal, at Niagara and Lake Erie, 17; at Kingston, 79; pay of sailors, 80, 132.
 Navy, mercantile, 97, 102.
 Negro albino described by La Rochefoucault, 10.
 Newark (Niagara), 24, 25; described, 49.
 New Brunswick, settlers expected from, 30.
 Newspapers in Upper Canada, 57, 75, 158.
 New York currency, what, 24; used in Upper Canada, 39.
 Niagara (see Newark).
 Niagara Falls described, 19-23.
 Niagara Fort built, 51; described, 52, 129.
 Niagara River crossed by La Rochefoucault, 15; navigation of, 16; how crossed in winter, 52, 129.
 North, Dr., Meteorologist at Quebec, 106, 169.
 N. W. Company, 115, 170, 182, 183, 184.

O.

"Onondago," Royal sloop, 63, 64, 79, 158.
 Oswego reached by La Rochefoucault, 88; described, 89-92; fort at, 89; trade, 89, 90, 91; given up to U. S. A., 1796, 163.

P.

Parr, Captain, character and manner, 76, 77; trip with, 82; notes on, 131, 160, 174.
 Paterson, Indian interpreter, 59.
 Pickering, Timothy, American Commissioner to treat with Indians, 48, 49, 59, 156; sketch of, 178.
 Pilkington, Robert (Royal Engineers), 52, 53, 157, 178.
 Poudrit, French-Canadian guide, 7, 15, 174.
 Pratt, Captain, Commandant at Fort Erie, 16, 19, 124, 146.
 Prices, very high in Upper Canada, 43; in Lower Canada, 106.

Q.

Quebec, a fortress, 102; distillery at, 101, 102; convents, 105, 160; seminary, 104; Jesuit estates, 103, 104.
 "Quebec Gazette," copied at Niagara, 75.
 Queenston (Queenstown), 21, 25; Hamilton's place at, 25.
 Quiberon, Battle of, 88 (n), 163, 164.

R.

Regiment, 5th, commanded by Lt.-Col. John Smith, 49, 123; 60th, described by La Rochefoucault, 77, 82.
 Religion in Upper Canada, 58, 75, 76; in Lower Canada, 96, 103, 169, 170.
 Revenue, sources of, in Upper Canada, 39.
 Rice, wild, 81.
 Richard, Mr., a fellow passenger of La Rochefoucault, 53, 64.
 Road from Fort Erie to Newark, 25; from Grimsby to Head of Lake Ontario, 54; near Kingston, 76; Kingston to Montreal, 83.
 Robertson, John Ross, Editor of Mrs. Simcoe's Diary, 12.
 Robespierre, feared and hated by La Rochefoucault, 88, 164.
 Robitaille, Prof., Laval University, 12.
 Routes from Montreal to Illinois River Country, 83, 84, 86, 180; to West (fur traders), 112, 180, 181.

S.

Schlosser, Fort (see Fort Slusher).
 Seward, Major, 52, 53, 57, 64, 157.
 Simcoe, Frank, "Tioga," 49, 156.
 Smith, Captain J., letter to Lord Barrington, 137 sqq.
 Simcoe, John Graves, Lieutenant-Governor of Upper Canada, receives information of La Rochefoucault from Mr. Hammond, 15; receives La Rochefoucault, 26; his kindness, 26; his ambition, 28, 34; schemes of immigration, 29, 30, 31; military plans, 33, 37; plans for trade, 32, 33, 36; policy toward Indians, 33, 47; inland water communication, 33, 34, 151; fleet, 34; alleged hatred of U. S. A., 37, 38, 69, 125, 126, 133, 134, 151; alleged tampering with Indians, 38, 127, 134, 135, 153; his character, 38, 56; private life, 38; residence at Newark, 38; loved and trusted by Canadians, 69; letter to Hon. Rufus King, 134 sqq.; sketch of life, 172, 173.
 Simcoe, Mrs., character, 39, 126, 151, 175.
 Smith, Sir David William, Bart., library, 3, 5, 17; sketch of life, 5, 6; MSS., 12; criticism of La Rochefoucault, 120 sqq.
 Smith, Lt.-Col. John, commands 5th Regiment Foot, 49, 123; his residence, 49, 129; farming, 50, 128, 129, 157.
 Sodus, Great, settlement at, 91.
 Sorel, schools at, 104.
 Stone, Col. Joel (Gananoque), 82, 179.
 Stuart, Rev'd. John, 74; farms, 74; sketch of, 179.
 Sulphur Spring near Niagara River, 24.

T.

Table Rock, 22, 23.
 Temperature on Lake Ontario, 65; at Quebec, 98; in Lower Canada, 105, 106, 168.
 Thames River (La Tranche), 29, 30.
 Three Rivers, iron works at, 102, 103, 109; church service, 103; schools at, 104.
 Toast drinking by English, 77.
 Todd, Isaac? (Tode), 85, 86, 162.
 Toosey, Rev'd. Mr., farming, 101, 166.
 Trent Valley Canal foreseen by Simcoe, 151.

U.

U. E. Loyalists, hatred of Americans, 58, 132; pretended U. E. Loyalists, 58, 78.

V.

Villèle, M. de., dismissed La Rochefoucault, 4.

W.

Warren, James, Revolutionary Officer, La Rochefoucault meets, 8.

Wheat near Niagara, 53, price, etc., 53.

White, John, first Attorney General of Upper Canada, 40, 154, 176.

Wilkinson, Jemima, Amie Universelle, religious leader seen by La Rochefoucault, 7.

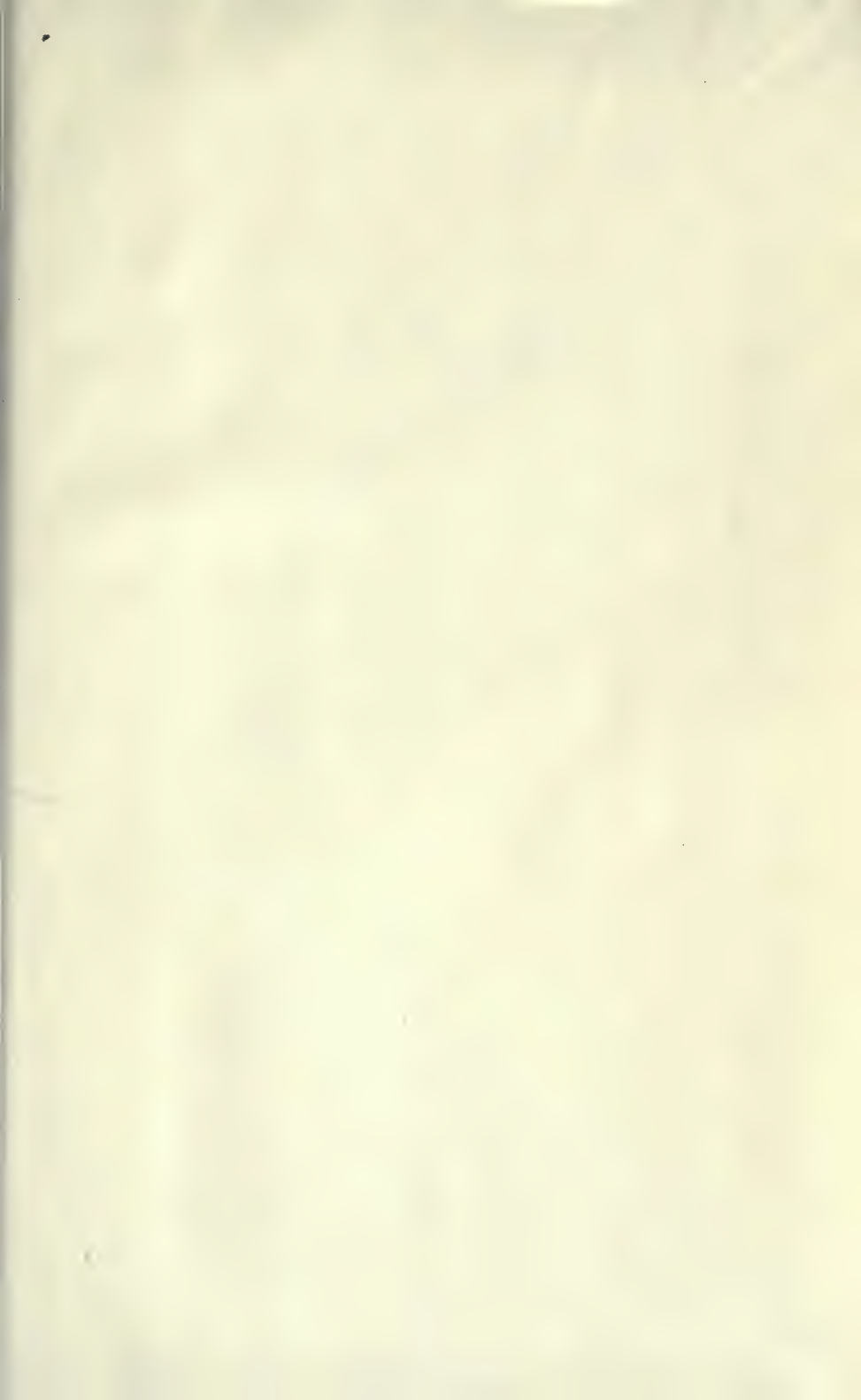
Williamson, Capt., Superintendent of Great Sodus Settlement, 91; quarrel with Berczy, 61, 188.

Winter near Niagara River, 25.

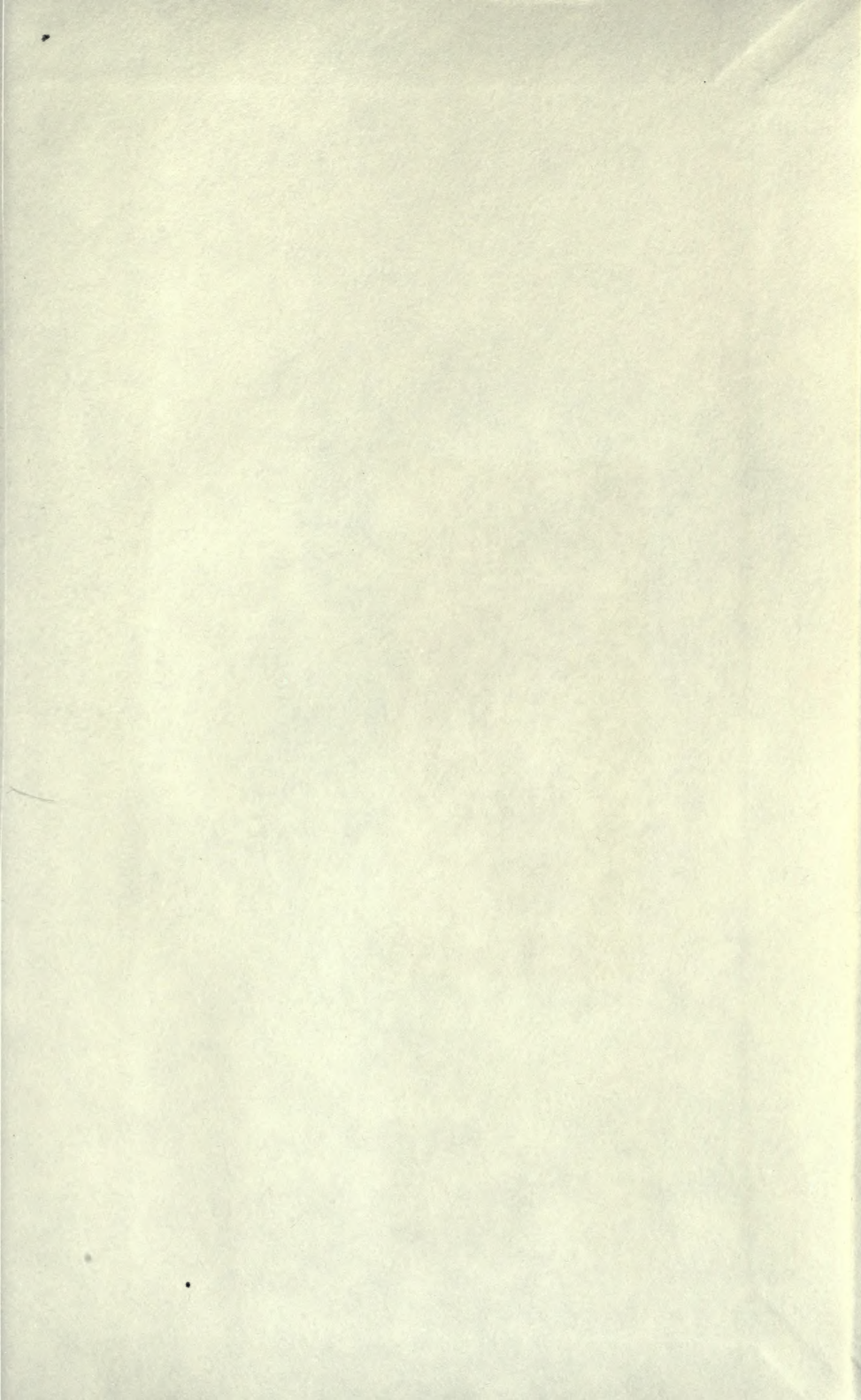
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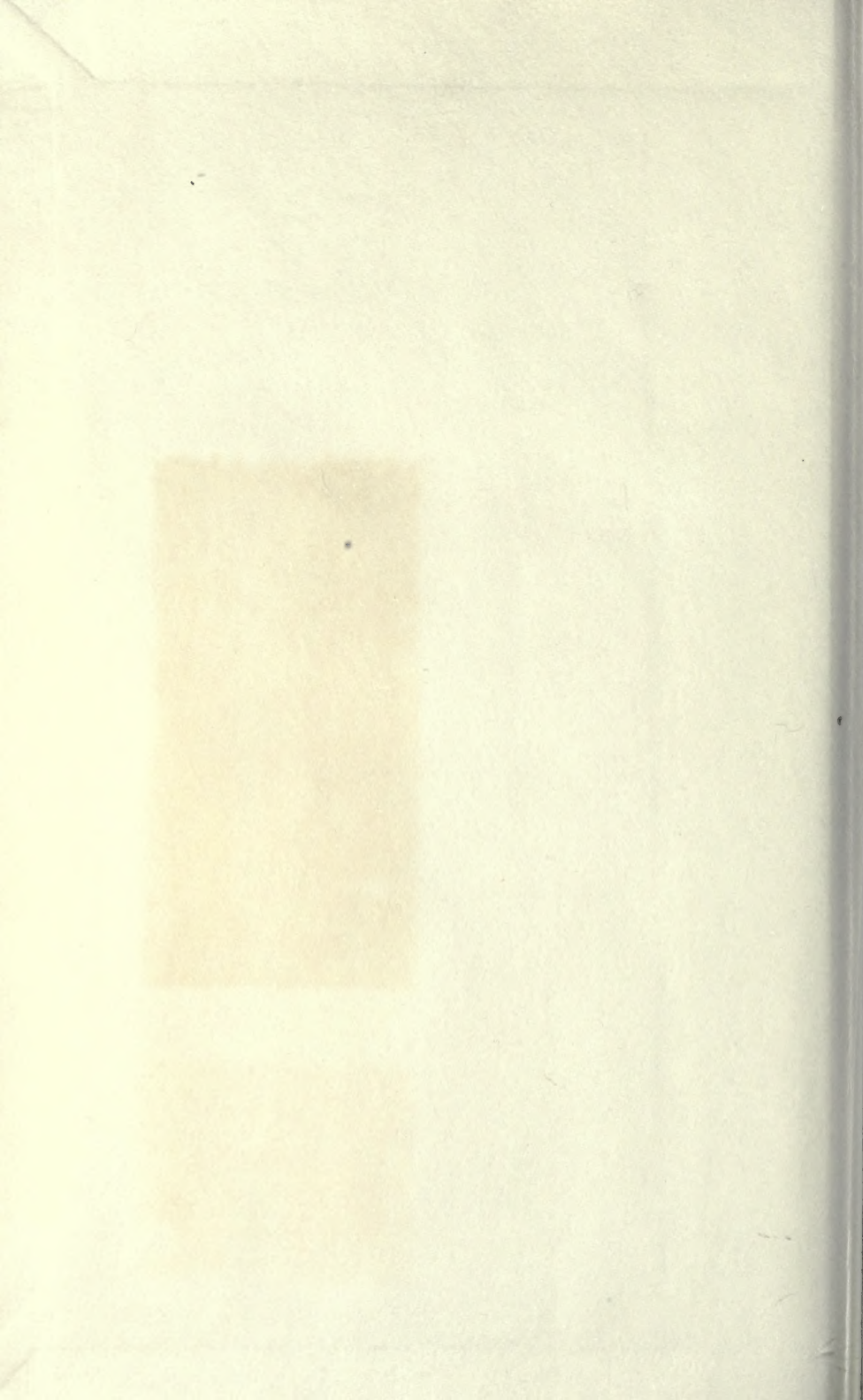
York (Toronto) intended capital of Upper Canada, 29, 68, 136; described, 61; bad character of inhabitants, 61, 158.

Young, Arthur, received La Rochefoucault in England, 3.









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